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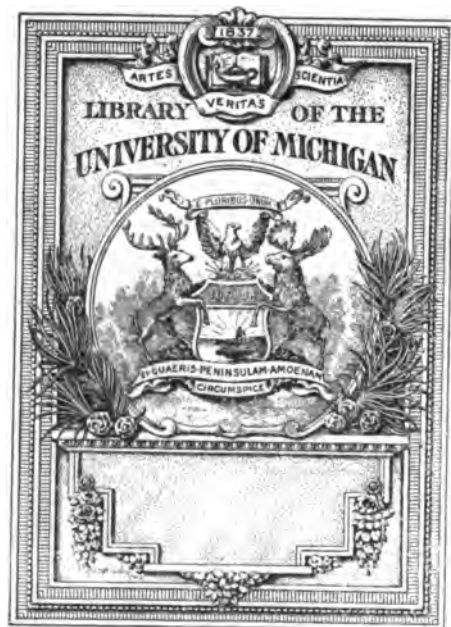
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JOURNAL

—OF THE—

Indiana State Senate,

—DURING THE—

FIFTY-FIFTH SESSION

—OF THE—

GENERAL ASSEMBLY,

—COMMENCING—

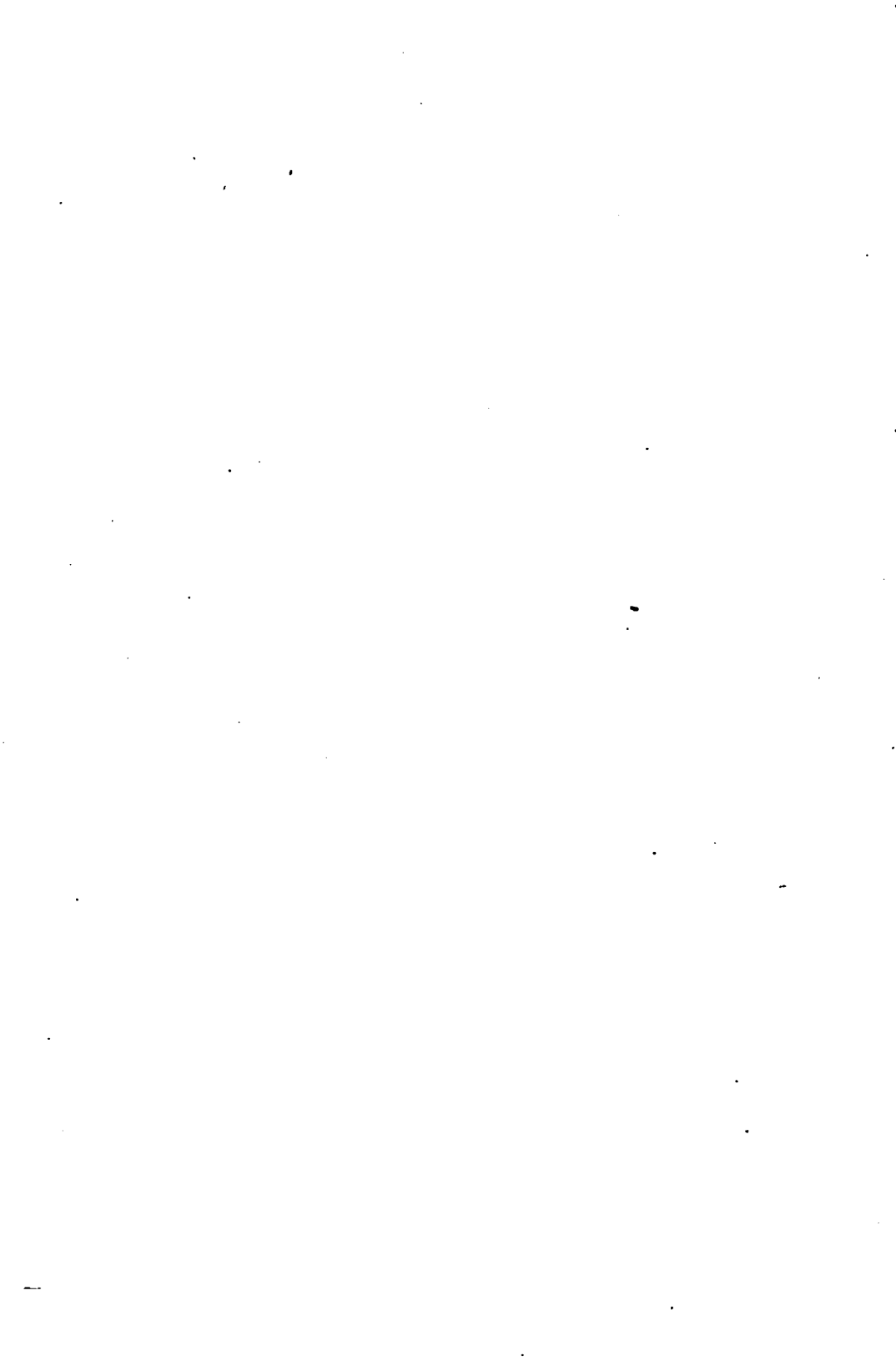
Thursday, January 6, 1887.

REGULAR SESSION.

INDIANAPOLIS:

WM. E. BURFORD, CONTRACTOR FOR STATE PRINTING AND BINDING.

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# JOURNAL

OF THE

## SENATE OF INDIANA.

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THURSDAY MORNING.

JANUARY 6, 1887.

This being the day prescribed by the Constitution of the State of Indiana, Article IV, Section 9, for the meeting of the General Assembly, Senators holding over and Senators elect met in the city of Indianapolis, Senate Chamber, in the State Capitol Building, at 10 o'clock A. M.

Senator A. G. Smith, President *pro tem.* of the Senate, called the Senate to order.

After which the Senate was led in prayer by Bishop Knickerbocker, of Indianapolis.

The Auditor of State was directed to call the roll of the hold-over Senators.

Twenty-four Senators, elected in 1884 for the constitutional term of four years, appeared and answered to their names, as follows:

From Marion and Hancock, L. O. Bailey.

From Clinton and Montgomery, D. C. Bryant.

From Hendricks and Putnam, L. M. Campbell.



From Elkhart, W. J. Davis.  
 From Floyd and Washington, J. S. Day.  
 From Lagrange and Steuben, J. S. Drake.  
 From Tipton and Hamilton, C. C. Duncan.  
 From Dekalb and Noble, N. Ensley.  
 From Owen and Clay, Inman H. Fowler.  
 From Decatur and Shelby, F. M. Howard.  
 From Fayette and Henry, J. N. Huston.  
 From Randolph and Delaware, J. W. Macy.  
 From Fountain and Warren, A. Marshall.  
 From Kosciusko and Wabash, Geo. Moon.  
 From Montgomery, Boone and Clinton, Silas Peterson.  
 From Vanderburgh, William Rahm, Jr.  
 From Vigo, Phillip Schloss.  
 From White, Pulaski and Carroll, E. B. Sellers.  
 From Grant and Madison, J. S. Shively.  
 From Jennings, Scott and Clark, A. G. Smith.  
 From Marion, W. C. Thompson.  
 From Marion, F. Winter.  
 From Laporte, Morgan H. Wier.  
 From Fulton and Marshall, V. Zimmerman.

Twenty-six Senators, elected last November, came forward as their districts were called, and, standing in front of the Secretary's table, took the oath of office as administered by the Hon. Allen Zollars, Judge of the Supreme Court of Indiana, in the following order :

From Orange, Crawford and Harrison, Jas. M. Andrew.  
 From Allen, J. M. Barrett.  
 From Knox and Pike, William W. Berry.  
 From Morgan, Johnson and Bartholomew, Jas. F. Cox.  
 From Porter and Lake, Mark L. DeMotte.  
 From Tippecanoe, J. M. Dresser.

From Tipton and Hamilton, C. C. Duncan.

From Brown, Bartholomew and Monroe, W. C. Duncan.

From Posey and Gibson, J. W. French.

From Switzerland, Ohio and Dearborn, F. M. Griffith.

From Adams, Jay and Blackford, S. W. Hale.

From Howard and Miami, B. F. Harness.

From St. Joseph and Starke, Timothy E. Howard.

From Wayne, H. U. Johnson.

From Rush and Hancock, A. M. Kennedy.

From Spencer and Warrick, H. M. Logsdone.

From Clark and Jefferson, David McClune.

From Whitley and Allen, I. B. McDonald.\*

From Jackson and Lawrence, W. N. McDonald.

From Green and Sullivan, L. P. Mullinix.

From Cass, A. R. Shroyer.

From Vermillion and Parke, R. B. Sears.

From Wells and Huntington, J. H. C. Smith.

From Jasper, Newton and Benton, Simon P. Thompson.

From Daviess and Martin, C. K. Tharp.

From Dubois and Perry, O. A. Trippet.

From Franklin, Union and Ripley, S. E. Urmston.

The President of the Senate announced that the next thing in order was the election of a Secretary of the Senate.

Senator Sellers placed in nomination Webster Dixon, of Bartholomew County.

There being no other nomination, and the roll being called, the following vote was cast :

Those voting for Dixon were :

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox of Morgan, Day, Duncan, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdone, McClune, Mc-

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\*Elected to fill vacancy, term two years.

Donald of Whitley, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Jennings, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Wier, and Zimmerman. Total, 31.

Those present and not voting were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Sears, Thompson of Jasper, and Winter. Total, 19.

Mr. Webster Dixon was declared duly elected Secretary, and was sworn in at the bar of the Senate by Judge Zollars, of the Supreme Bench.

The President announced the next thing in order was the election of an Assistant Secretary of the Senate.

Senator I. B. McDonald placed Mr. John D. Carter of Orange County in nomination, and there being no other nominations, the roll was called and the following Senators voted for Mr. John D. Carter for Assistant Secretary of the Senate, viz :

Messrs. Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdone, McClune, McDonald of Whitley, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Jennings, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Wier, and Zimmerman. Total, 31.

The following Senators were present and not voting :

Messrs. Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Sears, Thompson of Jasper, and Winter. Total, 19.

Mr. John D. Carter having received all the votes cast was therefore declared duly elected Assistant Secretary of the Senate, and he advanced to the bar of the Senate and was sworn into office by Judge Zollars of the Supreme Court.

The President of the Senate announced that the next thing in order was the election of Door-keeper of the Senate.

Senator Rahm placed in nomination Frank Pritchett, of Vanderburgh County.

The following named Senators voted for Pritchett:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Kennedy, Logsdone, Marshall, McClune, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Jennings, Smith of Wells, Thompson, Tharp, Trippet, Urmston, Wier, Zimmerman. Total, 31.

Those present and not voting were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, McDonald of Jackson, Moon, Shroyer, Sears, Thompson of Jasper, Winter. Total, 19.

Mr. Pritchett having received all the votes cast, was declared duly elected Door-keeper of the Senate, and he advanced in front of the President's desk and was sworn in by Hon. Allen Zollars, Judge of the Supreme Court.

Senator French introduced the following resolution, No. 1:

WHEREAS, By reason of the acceptance of a federal office by the Hon. Mahlon D. Manson, Lieutenant-Governor of Indiana, a vacancy exists in the office of Lieutenant-Governor of Indiana; and,

WHEREAS, The Hon. Alonzo G. Smith, a member of this Senate, being a Senator from the counties of Jackson and Jennings, was, at the session of the General Assembly of 1885, elected President of this Senate for the occasion; therefore,

*Resolved*, That the Hon. Alonzo G. Smith is hereby recognized and elected as President of the Senate of Indiana.

On which he demanded the previous question.

Which demand was seconded by the Senate.

The question being, Shall the main question be now put?

The ayes and noes were demanded by Senators Winter and Fowler.

The roll being called, resulted as follows:

Those voting aye were :

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdone, McClune, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, and Zimmerman. Total, 30.

Those voting ne were :

Senators Campbell, Davis, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Shroyer, Sears, Thompson of Jasper, and Winter. Total, 17.

So the motion carried.

Senator Sellers introduced the following resolution :

*Resolved*, That the Secretary of the Senate be and is hereby instructed to inform the House that the Senate, this day organized, having the Hon. Alonzo G. Smith, a member thereof, as presiding officer, and has elected Webster Dixon, Principal Secretary of the Senate, John D. Carter, Assistant Secretary thereof, and Frank Pritchett, Doorkeeper of the Senate for the present session, and is now ready for the transaction of public business.

The resolution was adopted.

Whereupon the Hon. A. G. Smith, President of the Senate, declared that the Senate of the Fifty-fifth General Assembly was now duly and legally organized, and was now ready for the transaction of business.

Senator Bailey moved that the following rules be adopted for the use and government of the Senate, viz :

On which motion he demanded the previous question.

The ayes and noes being taken resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan, Fowler, French, Griffith, Hale, Howard of Decatur, Logsdone, McClune, McDonald of Whitley, Mullinix, Peterson,

Rahm, Schloss, Sellers, Shively, Smith, Thompson of Marion, Tharp, Trippet, Urmston, Wier and Zimmerman. Total, 29.

Those voting in the negative were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Sears, Thompson of Jasper, and Winter. Total, 19.

Motion carried.

The question being, Shall the main question be now put?

The ayes and noes being demanded and called, resulted as follows:

Senators, Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Logsdone, McClune, McDonald of Whitley, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir and Zimmerman. Total, 29.

Those voting in the negative were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Sears, Thompson of Jasper, and Winter. Total, 19.

So the motion carried.

STANDING RULES AND ORDERS

FOR THE

GOVERNMENT OF THE SENATE.

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1. The President shall take the chair every day precisely at 10 o'clock in the forenoon, and 2 o'clock in the afternoon, unless the Senate shall, by motion, have adjourned to some other hour appointed by such motion. He shall immediately call the Senators to order, and, on the appearance of two-thirds, shall cause the journal of the preceding day to be read.

2. Twenty-one Senators, with the President, or twenty-two in his absence, having chosen a President *pro tem.*, shall be authorized to call a Senate, compel the attendance of absent Senators, make an order for their fine or censure, and may adjourn.

3. The President shall preserve order and decorum, may speak to points of order in preference to Senators, rising to his feet for that purpose; and shall decide questions of order, subject to an appeal to the Senate by any two Senators, on which appeal no Senator shall speak more than once, unless by leave of the Senate. Should the President fail or refuse to at once put such question of appeal, then it shall become the duty of the Secretary of the Senate, on the demand of two Senators, to put the question, call the roll, and declare the result.

4. The President shall rise to put a question, but may state it sitting.

5. Questions shall be distinctly put in this form, to-wit: "As many as are of the opinion that (as the question may be) say

‘Aye,’” and after the affirmative vote is expressed, “as many as are of the contrary opinion, say ‘No.’” If the President doubts, or a division be called for, the Senate shall divide; those in the affirmative of the question shall first arise from their seats, and afterward those in the negative.

6. The Doorkeeper shall have a general direction of the Senate Chamber. The President shall have the right to name any Senator to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

7. The President shall, when the Senate is equally divided, give the casting vote.

8. Thirty-one standing committees, not to exceed seven members each, shall be appointed by the Senate, at the commencement of each session, viz.:

- 1st. On Elections.
- 2d. On Finance.
- 3d. On Judiciary.
- 4th. On Organization of Courts.
- 5th. On Education.
- 6th. On Corporations.
- 7th. On Roads.
- 8th. On Benevolent and Reformatory Institutions.
- 9th. On Agriculture.
- 10th. On Banks.
- 11th. On Public Printing.
- 12th. On Public Buildings and State Library.
- 13th. On State Prisons.
- 14th. On Swamp Lands and Drains.
- 15th. On Fees and Salaries.
- 16th. On Claims and Expenditures.
- 17th. On Military Affairs.
- 18th. On Phraseology, Arrangement of Bills and Unfinished Business.



- 19th. On Federal Relations, and Rights and Privileges of the Inhabitants of the State.
- 20th. On Temperance.
- 21st. On County and Township Business.
- 22d. On Public Health, Vital and Other Statistics.
- 23d. On Insurance.
- 24th. On Railroads.
- 25th. On Mines, Mining and Manufactures.
- 26th. On Congressional Apportionment, to consist of one member from each Congressional District.
- 27th. On Legislative Apportionment, to consist of one member from each Congressional District.
- 28th. On the Supervision and Inspection of the Journal of the Senate.
- 29th. On Executive Appointments.
- 30th. On Cities.
- 31st. On Labor and Labor Statistics.

9. It shall be the duty of the Committee on Elections to examine and report upon the certificates and other credentials of the Senators returned to serve in the Senate, and take into consideration all petitions, documents and evidence relating to elections, which may be referred to them by the Senate; and each of the other committees shall perform such services, and take into consideration all subjects and matters required of them by the Senate. The Committee on Elections shall have leave to report at any time on the right of a member to his seat, by presenting their report to the Senate, or by filing the same with the Secretary thereof, and the report of such committee shall be a question of the highest privilege, and may be called up at any time by the Chairman of the Committee on Elections or any member thereof; and when called up, the action of the Senate, and all proceedings thereon, shall be the same as if said report had been called up as provided in Rule 10.

10. As soon as the Journal shall have been read and approved, or the reading thereof dispensed with, the President of the Senate shall call the Committee on Elections, and shall im-

mediately recognize the chairman of said committee, who may report or who may call up for consideration any contest which may have been reported by said committee, or a majority thereof, and such contest shall be pending before the Senate when so called up, and the chairman of such committee shall be entitled to hold the floor after calling up any contest, and address the Senate thereon, for one hour, unless the previous question shall be sooner ordered. The previous question, when ordered, shall have the effect to cut off all debate and bring the Senate to a vote upon all questions pending in such contest, and no motion to take a recess, to adjourn, or to fix a day to which the Senate shall adjourn, shall be in order until such contest shall have been determined by the Senate. In case any contest shall be determined under the operation of the previous question, no motion shall be made except a motion to reconsider any vote so taken, and the previous question shall at once attach to such motion to reconsider, and no motion shall be in order except to lay the motion to reconsider upon the table, which motion or motions shall be put to a vote without debate. The President of the Senate shall promptly put all questions, in such contest, to a vote, and in case of his failure so to do the same shall be deemed as pending, and the Secretary shall immediately, on the demand of two Senators, call the roll and record the vote on the pending question, and at the conclusion of the vote shall announce the result.

11. No committee shall sit during the sitting of the Senate without special leave.

12. All questions relating to the priority of business shall be decided without debate.

13. When any Senator is about to speak in debate, or deliver any matter to the Senate, he shall rise from his seat, respectfully address himself to the question under debate, and avoid personality. No Senator shall impeach the motives of any other Senator's vote or argument.

14. If any Senator, in speaking or otherwise, transgress the rules of the Senate, the President shall, or any Senator may, call him to order, in which case, the Senator so called to order shall immediately sit down, unless permitted to explain; and

the Senate shall, if appealed to by such Senator, decide the case, but without debate. If there be no appeal by such Senator, the decision of the Chair shall be submitted to. If the decision be in favor of the Senator called to order, he shall be at liberty to proceed. If otherwise, and the case require it, he shall be liable to the censure of the Senate.

15. When two or more Senators happen to rise at once, the President shall name who is to speak first, subject, however, to the right of appeal by either of such Senators, and if the President shall fail or refuse to entertain such appeal the same shall be pending before the Senate, and upon demand of two Senators the Secretary shall call the roll, announce the result and record the same, and such appeal shall be decided without debate.

16. No Senator shall speak more than twice on the same question, without leave of the Senate, nor more than once, until every member choosing to speak shall have spoken.

17. While the President is putting the question, or addressing the Senate, no Senator shall walk across or out of the house, nor when a Senator is speaking shall any entertain private discourse or pass between him and the Chair.

18. No Senator shall be compelled to vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not present when the question was put, but appearing afterward, he may, by permission, have his name called and vote, provided his vote does not change the result.

19. Upon a division and count of the Senate on any question, no Senator without the bar should be counted.

20. Every Senator who shall be in the house when the question is put shall give his vote, unless the Senate, for special reasons, excuse him. But the question of excusing a Senator shall be decided summarily, without debate.

21. When a motion is made and seconded, it shall be stated by the President; or being in writing, it shall be handed to the Secretary, and then read aloud before debated.

22. Every motion shall be reduced to writing, if the President or any Senator desire it, indorsed by the Senator introducing it, and the name of the author announced by the Secretary before reading.

23. After a motion is stated by the President, and read, it shall be deemed in the possession of the Senate, but may be withdrawn at any time before decision or amendment.

24. When a question is under debate no motion shall be received but

- 1st. To take up or receive the report of the Committee on Elections;
- 2d. To Adjourn;
- 3d. To lie on the table;
- 4th. For the previous question;
- 5th. To postpone indefinitely;
- 6th. To postpone to a day certain;
- 7th. To commit; or,
- 8th. To amend.

Which several motions shall have precedence in the order in which they stand arranged.

25. When a question is postponed indefinitely, the same shall not be acted upon during the session.

26. The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the Senators voting, and until it is decided shall preclude all debate, and the introduction of all further amendments. The main question shall be the first question in order, and its effect shall be to put an end to all debate, and bring the Senate to a direct vote on the subsidiary questions then pending, in their order, and then on the main question.

27. Motions and reports may be committed at the pleasure of the Senate.

28. Any member may call for the division of a question where the sense will admit of it.

29. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

30. When a motion has once been made and carried in the affirmative or negative, it shall be in order for any Senator of the majority to move a reconsideration thereof, on the same or any other day during the session, but such motion can be entertained but once during the session, and when made after the second day, it shall lie over one day before being acted upon.

31. When the reading of a paper is called for, if any objection is made, it shall be decided by a vote of the Senate.

32. The unfinished business in which the Senate was engaged at the last preceding adjournment shall have the preference in the orders of the day, and no motion or any other business shall be received without special leave of the Senate until the former is disposed of, except as provided in Rules 9 and 10.

33. If a question pending be lost by adjournment of the Senate and revived on the succeeding day, no Senator who shall have spoken twice on the preceding day shall be permitted again to speak without leave.

34. Petitions, memorials and other papers addressed to the Senate may be presented by the President or by any Senator.

35. A motion to adjourn shall always be in order, except when the previous question is pending, and shall be decided without debate, except as provided in Rules 9 and 10. The question pending on adjournment shall be resumed on re-assembling, unless otherwise ordered by the Senate, except as provided in Rules 9 and 10.

36. It shall be in order for the Chairman of the Committee on Phraseology, Arrangement and Enrollment of Bills to report at any time when no question is before the Senate.

37. Every bill shall be introduced by motion on leave or by order of the Senate.

38. Every bill shall receive three several readings in the Senate, previous to its passage, and all bills shall be dispatched as they were introduced, unless in case of urgency.

39. The first reading of a bill shall be for information, and if opposition be made to it the question shall be: "Shall the bill be rejected?" If no opposition be made, or the question to reject is negatived, the bill shall then, if no motion be made to the contrary, be committed to a regular or select committee, or to a Committee of the Whole Senate. If the bill be referred to a Committee of the Whole Senate, the Senate shall determine on what day it shall be considered.

40. A committee to whom a bill shall be referred may report thereon with or without amendments; and the bill, when returned, if this be on a day subsequent to its first reading, shall be on its second reading, and after it has been read, the report of the committee shall be read; the question shall then be on concurring in the report of the committee either with or without amendments; the President shall then state that the bill is ready for amendment or engrossment.

41. Every report of a committee upon a bill, which shall not be considered at the time of making the same, or laid on the table by a vote of the Senate, shall stand upon the general orders with a bill and entered on the journal.

42. After commitment and report thereof to the Senate, or at any time before its passage, a bill may be recommitted.

43. No amendment, by way of a rider, shall be received to a bill on its third reading.

44. When a bill shall pass, it shall be certified by the Secretary, noting at the foot thereof the day of its passage.

45. In forming a Committee of the Whole Senate, the President, leaving the chair, shall appoint a Chairman to preside.

46. Upon bills committed to a Committee of the Whole Senate, the bill shall first be read throughout by the Secretary, and then again read and debated by clauses, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Secretary on a separate paper as the same shall be agreed to by the Committee, and so reported to the Senate; after report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

47. All questions, whether in Committee or in the Senate, shall be put in the order in which they are moved, except that in filling up blanks, the largest sum and the longest time shall be first put.

48. No motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered; and every such proposition shall receive its first discussion in a Committee of the Whole Senate.

49. The rules of proceeding in the Senate shall be observed in a Committee of the Whole Senate, so far as they may be applicable, except the rule limiting the time of speaking, but no Senator shall speak twice to any question until every Senator, choosing to speak, shall have spoken.

50. No Senator shall absent himself from the service of the Senate, unless he have leave of the Senate.

51. Each officer of the Senate shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities; and shall be deemed to continue in office until another is chosen.

52. It shall be the duty of the Doorkeeper to attend the Senate during its sittings; execute all its demands and process to him given and directed; give notice of and carry all messages, either public or private, he may be required to carry; keep the Senate Chamber and furniture clean and in due order; and at all times keep good and sufficient fires when the same may be necessary; when requested to call a Senator he shall do

so by name, and shall exclude from the floor of the Senate Chamber all persons except the President and officers of the Senate and Senators, and shall exclude from the cloak-room of the Senate all persons, except the President of the Senate, Senators or persons having business with either and admitted by them, and such persons shall remain only so long as they shall be engaged in such business.

53. When a reference is made of any subject to a standing committee, the Senator introducing the same shall be a member of such committee during its deliberation thereon, but shall have no power to vote.

54. The daily order of transacting business shall be as follows, viz.:

1. Reading and correcting the Journal of the preceding day.
2. Reports from Chairman of Committee on Elections.
3. Reports from other standing committees.
4. Introduction of petitions, memorials and remonstrances.
5. Reports from select committees.
6. Resolutions of the Senate.
7. Joint resolutions. Joint resolutions of the House.
8. Bills; and,
9. Orders of the day.

*First.* Messages from the House requiring action on the part of the Senate.

*Second.* Bills on second reading.

*Third.* Bills on third reading; Bills of the House on *first* reading; Bills of the House on *second* reading; Bills of the House on *third* reading;

*Provided,* That on Wednesday of each week the daily order of transacting business shall be as follows, viz.:

1. Reading and correcting the Journal of the preceding day.



2. Report from Chairman of Committee on Elections.
- 3. Bills on third reading; Bills of the House on *first* reading; Bills of the House on *second* reading; Bills of the House on *third* reading; and to continue from day to day until that order of business be exhausted.
4. Bills on second reading.
5. Messages from the House requiring action upon the part of the Senate.
6. Introduction of petitions, memorials and remonstrances.
7. Reports from standing committees.
8. Reports from select committees.
9. Resolutions.
10. Joint resolutions.
11. Bills.

This order of business shall be suspended only upon a majority vote of the Senators present.

55. After a bill has passed, and not before, the title may be announced.

56. When a bill or joint resolution shall have failed for want of a constitutional majority, but shall have received the vote of the majority of the members present, it shall be subject to be called up in its order, at the instance of any Senator, on any subsequent day, but when it shall have failed to receive the votes of a majority of the members present, it shall only be again called up by a motion to reconsider the previous vote.

57. No smoking will be allowed in the Senate Chamber before, during or after the sittings thereof.

58. The report of committees on conference for the adjustment of differences between the two houses shall be laid over one day before action thereon, unless a majority of the members of the Senate present shall otherwise order.

59. Whenever a bill is reported by a committee with the recommendation that it pass, seventy-five copies of said bill

shall be forthwith printed, and one copy laid on the desk of each Senator, and no bill shall be read a second time until one day after such distribution, unless the Senate otherwise order. Whenever any such committee report in favor of the passage of a bill with amendments, said bill shall be printed as amended.

60. Hereafter when the introduction of bills is in order, the list of Senators shall be called alphabetically, and each Senator when his name is called shall be permitted to introduce but one bill each time his name is so called, and the name of no Senator shall be called a second time until the entire list has been called.

61. In addition to the foregoing committees, a Committee on Rules, composed of three members, shall be appointed, to which all proposed amendments to the rules shall be referred, without debate, and said committee shall have the right to report at any time and may at any time report any change in the rules, and any such report shall be immediately disposed of, and such change in the rules shall be determined by a majority of the Senators present.

62. The Journal of the Senate shall be kept in due form by the Assistant Secretary of the Senate, and his signature shall attest the same.

The following communication was received and read from the Governor:

STATE OF INDIANA, }  
EXECUTIVE DEPARTMENT. }

*To the Honorable, the President of the Senate:*

The Governor will give a reception to-night, at his residence, No. 248 North Pennsylvania street, to the officers and members of the General Assembly and their families, who are cordially invited to be present.

ISAAC P. GRAY.

On motion, the Senate adjourned.

## AFTERNOON SESSION.

JANUARY 6, 1887.

The Senate met at 2 o'clock, Senator A. G. Smith, President of the Senate, in the chair.

Senator Bailey moved to reconsider the vote on the adoption of the resolution upon the Rules of the Senate, and to lay that motion on the table.

The ayes and noes being demanded and taken, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan, Fowler, French, Griffith, Hale, Howard of Decatur, Logsdone, McClune, McDonald of Whitley, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman. Total, 29.

Those voting in the negative were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Sears, Thompson of Jasper, Winter. Total, 19.

So the motion carried.

Senator Bailey moved a call of Senators for introduction of bills.

The motion carried.

Senator Weir stated that the committee appointed to wait on the Governor was not ready, and asked that further time be granted.

Which was agreed to.

Senator Bailey introduced Senate Bill No. 1, entitled:

A bill for an act providing for the inspection of steam boilers, the appointment of a Steam Boiler Inspector, the licensing

of engineers in charge of steam boilers, and the creation of a Board of Engineers.

Which was read a first time and referred to the Committee on Labor and Labor Statistics.

Senator Barrett offered Senate Bill No. 2, entitled :

An act concerning the payment and security of employes of associations, corporations, joint stock companies, copartnerships and individuals doing business in this State.

Which was read a first time and referred to the Committee on Labor and Labor Statistics.

Senator Andrew introduced Senate Bill No. 3, entitled :

An act to provide for the erection of a Soldiers' and Sailors' Monument.

Which was read a first time and referred to the Committee on Military Affairs.

Senator Griffith introduced Senate Bill No. 4, entitled :

An act to legalize the meetings and acts of County Commissioners, in certain cases.

Read first time and referred to Committee on County and Township Business.

Senator Howard of St. Joseph introduced Senate Bill No. 5, entitled :

An act for the relief of Geo. C. Merifield and the heirs of Isaac K. Parks, deceased, sureties upon the bond of William McKee Merifield, former Trustee of Penn Township, St. Joseph County, Indiana, etc.

Read first time and referred to Committee on Claims.

Senator I. B. McDonald introduced Senate Bill No. 6, entitled :

An act to establish and maintain the Indiana Soldiers' and Sailors' Orphans' Home, and to repeal certain statutes relating thereto.

Read a first time and referred to Committee on Benevolent Institutions.

Senator Rahm introduced Senate Bill No. 7, entitled :

An act to repeal sections 216 and 217 of an act entitled "Public Offenses and their Punishment," being sections 2126 and 2127 of the Revised Statutes of 1881.

Read a first time and referred to Committee on Judiciary.

Senator Smith of Wells introduced Senate Bill No. 8, entitled :

An act to amend section one (1) of an act entitled an act to amend section twelve (12) of an act entitled an act concerning liens of mechanics, laborers and material men, approved April 13, 1885.

Read first time and referred to Committee on Labor and Labor Statistics.

Senator Thompson of Marion introduced Senate Bill No. 9, entitled :

An act to locate the Hendricks Monument.

Which was read a first time and referred to the Committee on Public Grounds.

Senator Trippet introduced Senate Bill No. 10, entitled :

An act to create appellate courts, to define their jurisdiction and procedure, and declaring an emergency.

Which was read a first time and referred to the Committee on Organization of Courts.

Senator Zimmerman introduced Senate Bill No. 11, entitled :

An act to amend section 202 of an act entitled an act concerning public offenses and their punishment, approved April 14, 1881, being section 2110 of R. S.

Read a first time and referred to Committee on Agriculture.

Senator Thompson introduced Senate Bill No. 12, entitled :

An act to regulate the instruction of children, compelling their education, defining the time to be spent of each year in school, the duties of parents or other persons having control of children over seven and under fourteen years of age, and prescribing the penalties for neglecting to comply with the provisions of this bill.

Which was read a first time and referred to the Committee on Education.

Senator Davis introduced the following resolution, No. 3 :

*Resolved*, That the Secretary of State be, and he is hereby, requested to deliver to the Doorkeeper of the Senate fifty copies of the Revised Statutes of the State of Indiana, together with an equal number of the Acts of the General Assembly for the years respectively 1883 and 1885, to be by the Doorkeeper distributed upon the desks of the Senators, for their use in this General Assembly.

Adopted.

Senator Fowler introduced the following resolution, No. 4:

*Resolved*, That the Principal Secretary place upon the desk of each Senator, every Monday morning, a printed calendar of business, showing numbers and titles of bills, by whom introduced and when, and a brief abstract showing the action taken thereon, and the present status.

Senator Sellers moved that it be amended by being referred to the Committee on Public Printing.

Adopted as amended.

Senator Schloss introduced the following resolution, No. 5:

*Resolved*, That the President appoint a Committee on Mileage, consisting of three members.

Adopted.

The President appointed Schloss, Winter and Fowler as said committee.

Senator Sellers moved to reconsider Resolution No. 3.

A vote being taken the motion was lost.

Senator Dresser introduced Senate Bill No. 14, entitled:

An act concerning the duties and compensation of the Reporter of the Supreme Court, and the publication and sale of the reports by the State.

Which was read a first time and referred to the Committee on Fees and Salaries.

Senator Thompson of Jasper introduced Senate Bill No. 15, entitled:

An act to regulate and license the traffic in intoxicating liquors in the State of Indiana, provide the manner in which places where intoxicants are disposed of shall be kept, prescribing penalties for violators, the collections of civil damages and the repeal of Chapter 80 of the Revised Statutes of 1881.

Which was read a first time and referred to the Committee on Temperance.

Senator Schloss introduced the following Resolution No. 6, and moved its adoption:

*Resolved*, That the Principal Secretary of the Senate shall make all requisitions upon the Commissioners of the Public Printing and Binding for all stationery ordered or needed for the use of the Senate. But before the procurement of any stationery by the Secretary, he shall first procure the signature to any requisition made by him of the President of the Senate, and that any stationery ordered by such Secretary without such signature of the President of the Senate, shall be deemed unauthorized.

The ayes and noes being demanded and taken, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Bryant, Cox, Day, DeMotte, Dresser, Duncan of Brown, Fowler, French, Griffith, Harness, Howard of Decatur, Howard of St. Joseph, Johnson, Kennedy, Logsdone, McClune, McDonald of Whitley, McDonald of Jackson, Moon, Mullinix, Peterson, Rahm, Schloss, Sears, Sellers, Shively, Smith of Wells, Thompson of Marion, Trippet, Urmston, Weir, Zimmerman. Total, 35.

Those voting in the negative were:

Senators Campbell, Davis, Drake, Duncan of Tipton, Ensley, Macy, Marshall, Shroyer, Thompson of Jasper, and Winter. Total, 10.

Adopted.

Senator Sellers offered the following motion:

That when the Senate adjourn it adjourn until 11 o'clock Monday next. •

The point of order being raised, the motion was declared out of order.

Senator Fowler introduced the following resolution No. 8:

*Resolved*, That there be appointed three members upon the part of the Senate to serve upon a committee to be appointed by the Senate and House, to prepare joint rules for the two houses, and that the House be notified of such appointment.

Adopted and committee appointed by the President consisting of Fowler, Davis and Bryant.

Senator Dresser introduced Senate Bill No. 16, entitled:

A bill for an act in relation to the rights and liabilities of married women.

Which was read the first time and referred to the Committee on Judiciary.

Senator Zimmerman offered Senate Concurrent Resolution No. 1, which was read as follows:

WHEREAS, Under the Copyright Laws of Congress a few publishing houses control exclusive rights of publishing all the school books for the entire country, and charging exorbitantly for the same, and thereby seriously impairing the usefulness of our public schools; therefore, be it

*Resolved by the Senate of the State of Indiana, the House of Representatives Concurring*, That our Senators and Representatives from this State be hereby requested to see to it that that part of the copyright laws conferring exclusive rights for publishing text-books meant for use in our Common Schools be repealed, and that hereafter no more copyrights be granted for the purpose herein stated.

*Resolved*, That the Governor be and is hereby requested to furnish each of our Senators and Representatives in Congress a copy of these resolutions.

Read and referred to the Committee on Education.



Senator Wier, Chairman of the committee to await upon the Governor, reported that the Governor would deliver his message at 10 o'clock and 30 minutes, on January 7, 1887, to the General Assembly of the State of Indiana, in the Legislative Hall.

The Senator moved that the Senate repair to the Legislative Hall at the time designated for the purpose of hearing the said message.

Carried.

On motion of Senator Bailey the Senate adjourned until 10 o'clock A. M., January 7, 1887.

Read in the main to the Senate at the morning session, January 7, 1887, and, after numerous corrections, was approved.

JOHN D. CARTER,  
Assistant Secretary of the Senate.

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## FRIDAY MORNING.

JANUARY 7, 1887.

The Senate met in regular session at 10 o'clock A. M., Senator A. G. Smith, President of the Senate, in the chair.

Opened with prayer by Senator Davis.

The journal was read in the main, and after numerous corrections, mainly in initials of names, the further reading was, on motion of Senator Sellers, dispensed with.

Senator Campbell made the following motion :

MR. PRESIDENT :

I move to strike out from the journal the words "President *pro tem.*," after the words A. G. Smith, and insert in lieu thereof the words "The Senator from the Counties of Jackson and Jennings," and also the words "President of the Senate," wherever they occur in the journal, prior to the election of Hon. A. G. Smith as President *pro tem.*

L. M. CAMPBELL,  
Senator from Hendricks and Putnam.

Senator Bailey moved to lay Senator Campbell's motion on the table.

The ayes and noes being demanded and taken, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdone, McClune, McDonald of Whitley, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Jennings, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Wier, Zimmerman. Total, 31.

Those voting in the negative were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Sears, Thompson of Jasper, Winter. Total 19.

So the motion carried.

Senator Bailey moved to reconsider the motion to meet in joint session with the House to hear the Governor's Message, and upon that motion demanded the previous question.

The Senate seconded the previous question.

The question being, Shall the main question be now put?

The ayes and noes were demanded and taken and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdone, McClune, McDonald of Whitley, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Wier, Zimmerman, Mr. President. Total, 31.

Those voting in the negative were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Sears, Thompson of Jasper, Winter. Total 19.

So the motion carried.

The main question being put, the ayes and noes were demanded and taken and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph and Starke, Logsdone, McClune, McDonald of Whitley, Mullinix, Peterson, Rham, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Wier, Zimmerman, and Mr. President. Total, 31.

Those voting in the negative were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Sears, Thompson of Jasper, and Winter. Total, 19.

The motion was adopted.

Senator Bailey moved that the resolution to meet in joint session be laid upon the table.

The ayes and noes being demanded and taken, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdone, McClune, McDonald of Whitley, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Wier, Zimmerman, Mr. President. Total, 31.

Those voting in the negative were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Sears, Thompson of Jasper, Winter. Total, 18.

So the resolution was laid on the table.

Senator Sellers moved that the journal be approved as corrected, on which motion he demanded the previous question.

The Senate seconded the motion for the previous question.

The question being, Shall the main question be now put?

The ayes and noes being demanded and taken, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdone, McClune, McDonald of Whitley, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Wier, Zimmerman, Mr. President. Total, 30.

Those voting in the negative were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Harness, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Thompson of Jasper, and Winter. Total, 16.

So the motion carried.

The main question being now put,

The ayes and noes were demanded and taken and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdone, McClune, McDonald of Whitley, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Wier, Zimmerman, Mr. President. Total, 31.

Those voting in the negative were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Thompson of Jasper, Winter. Total, 17.

So the motion carried and the Journal was approved.

The following message was received from the Governor:

## BIENNIAL MESSAGE OF THE GOVERNOR.

*Gentlemen of the General Assembly :*

In obedience to the provisions of the Constitution of the State, you have assembled to enact such laws as in your wisdom the wants of the State demand, and it affords me much pleasure to welcome the chosen representatives of the people in this new Capitol, in which you have been permitted to meet, prior to its completion, through the kindness of the contractors.

The rooms designed for the use of the General Assembly and their respective officers and committees, and also such rooms as could be prepared for the use of the State officers, were tendered to the State free of charge, upon the condition that the State shall indemnify the contractors against any damages to any part of the building which shall be occasioned by such occupancy.

Their offer was accepted, and you have the honor to be the first General Assembly convened in this magnificent Capitol, and in thus dedicating it to legislative purposes, I trust you will, in the results of your session, leave an enviable and honorable record, to which, at all times, you will have just cause to refer with becoming pride.

## PUBLIC DEBT.

The indebtedness of the State may be given in a tabular form as follows :

*Foreign Debt.*

Five per cent. State Stock Certificates, issued under the adjustment acts of 1846 and 1847, due and interest stopped September 1, 1870.....	\$14,469 99
Two and one-half State Stock Certificates, issued under same acts, due and interest stopped.....	2,355 13
Three and one-half per cent. Registered Funding Bonds, Temporary Loan, dated April 1, 1885, payable April 1, 1895, issued under the provisions of an act approved February 21, 1885, and held as follows :	

German Savings Bank in the City of New York.....	\$400,000 00	
Dry Dock Savings Institution of the City of New York.....	100,000 00	
Citizens' Savings Bank of New York City.....	85,000 00	
	<hr/>	\$585,000 00
Three and one-half per cent. Registered Bonds, Temporary Loan, issued under provisions of an act approved February 21, 1885, dated March 1, 1885, and payable at the pleasure of the State after March 1, 1890, due March 1, 1895, held as follows:		
Dime Savings Bank of Brooklyn, New York.....	\$500,000 00	
German Savings Bank in the City of New York.....	100,000 00	
	<hr/>	600,000 00
Three and one-half per cent. Registered New State House Bonds, Temporary Loan, dated May 1, 1885, payable May 1, 1895, issued under the provisions of an act approved March 31, 1885, held as follows:		
Bowery Savings Bank of the City of New York.....	\$400,000 00	
Citizens' Savings Bank of the City of New York.....	100,000 00	
	<hr/>	500,000 00
Total Foreign Debt.....		<hr/> \$1,701,825 12

*Domestic Debt.*

School Fund Bond No. 1, issued January 1, 1867, bearing 6 per cent. interest.....	\$709,024 85
School Fund Bond No. 2, issued January 20, 1867, bearing 6 per cent. interest.....	2,658,057 30

School Fund Bond No. 3, issued May 1, 1868, bearing 6 per cent. interest .....	\$184,234 00	
School Fund Bond No. 4, issued January 20, 1871, bearing 6 per cent. interest.....	177,700 00	
School Fund Bond No. 5, issued May 3, 1873, bearing 6 per cent. interest .....	175,767 07	
	<hr/>	\$3,904,783 22
Five per cent. Bond held by Purdue University at Lafayette, Ind., due April 1, 1901.....		340,000 00
State University (Bloomington) Bond in custody of Treasury of State, dated October 1, 1885, bearing 5 per cent. interest.....		60,000 00
		<hr/>
Total domestic debt.....		\$4,304,783 22
		<hr/>
Total State debt .....		\$6,006,608 34
		<hr/> <hr/>

*Amount of Interest on Foreign Debt.*

All of which is paid semi-annually,  
as follows:

Funding Bonds, Temporary Loan (principal \$585,000, interest 3½ per cent.) payable April 1 and October 1.....	\$20,475 00	
Temporary Loan Bonds (principal \$600,000, interest 3½ per cent.) payable September 1 and March 1.....	21,000 00	
New State House Bonds, Tempor- ary Loan (principal \$500,000, interest 3½ per cent.) payable May 1 and November 1.....	17,500 00	
	<hr/>	\$58,975 00

*Amount of Interest on Domestic Debt.*

Interest payable semi-annually, April 30 and October 31.		
Six School Fund Bonds, numbered from one to five inclusive, aggregating \$3,904,783.22, at 6 per cent.....	\$234,286 99	
Purdue University Bonds; \$340,- 000 at 5 per cent.....	17,000 00	
Indiana University Bond (Bloom- ington), \$60,000 at 5 per cent....	3,000 00	
	<hr/>	\$254,286 99
Total amount interest .....		<hr/> <u>\$313,261 99</u>

## STATE FINANCES.

The reports of the Auditor of State for the fiscal years ending October 31, 1885, and October, 31, 1886, will give you in detail the financial transactions of the State Government for those two years.

For the past ten years the tax levy for State purposes has been fixed by law at twelve cents on the one hundred dollars, and at the time such levy was fixed it was only deemed to be sufficient to meet the usual and ordinary expenses of the State and its institutions.

In that period the State has largely developed in her material, financial and commercial resources and the cost of the maintenance of her institutions has also increased on account of the increased number of inmates. New offices have been created and new duties have been added to the old offices, which have likewise largely aided in increasing the current and ordinary expenses of the State.

In addition to such expenses, there have been, from time to time, as each General Assembly convened, appropriated from the general fund, from which all the expenses of the State Government and her institutions are paid, large sums for unusual or extraordinary expenses.

The State has in part been enabled to pay the large amount of extraordinary appropriations by anticipating the revenue of each ensuing year in the way of advances by the several County Treasurers as provided by law.



The amount of the advances has increased from year to year, as the pressure upon the Treasury for funds has grown, until such advances for the fiscal year ending October 31, 1886, amounted to the sum of \$440,804.65.

The State Government has, during said years, been carefully and economically administered without the loss of a single dollar to its revenues by defalcation or official neglect of duty.

In the construction of the new State House \$200,000.00 has been appropriated and paid from the General Fund.

The construction of the Female Department of the Indiana Hospital for Insane, at Indianapolis, begun in May, 1875, and completed June 2, 1884, was wholly paid for by appropriations out of the General Fund at a cost of \$722,000.00, of which sum \$522,000.00 has been paid since April 1, 1877.

Also the construction of the three Additional Hospitals for Insane has been entirely provided for out of the General Fund. The amount now authorized by appropriations to be drawn from the General Fund on account of these institutions is \$1,163,800.00, of which amount there has been paid at the close of the last fiscal year the sum of \$747,255.78.

The appropriations from the General Fund for extraordinary expenses from the 1st day of November, 1883, until the 1st day of November, 1886, as taken from the report of the Auditor of State, amount to \$1,208,852.02, and show the continual sapping of the revenues, which were only intended to pay the current expenses of administering the State government.

The amount expended for like purposes from January 1, 1877, to November 1, 1883, was perhaps as large.

In the foregoing amount there has been no attempt to include many small specific appropriations or the increase in current expenses of our great and growing State, occasioned by the legitimate expansion of our public institutions, the creation of new offices, and the enlargement of the duties of older offices.

In 1885, the General Assembly, by an act approved February 21, 1885, authorized the Governor, Auditor and Treasurer to make a temporary loan of \$600,000.00, redeemable at the pleasure of the State after five years and payable in ten years, at a rate of interest not exceeding four per cent. per annum. It was also provided in the same act, that whenever it was ascertained that the temporary loan indebtedness of the State, or

any part, could be funded at a lower rate of interest, and that such officers could negotiate and secure the funding of such temporary loan at such lower rate, they were authorized to fund such indebtedness at such lower rate for a period not less than five years nor more than ten years.

There was outstanding at the time a temporary loan of indebtedness of \$585,000.00, issued April 1, 1879, payable April 1, 1889, and redeemable at the pleasure of the State after April 1, 1884, bearing interest at the rate of five per cent. per annum.

It was ascertained that such indebtedness could be funded at a lower rate of interest. Bids were invited through public advertisement upon each of said loans, and the loans were awarded to Mr. Walter Stanton, of New York City, as the lowest and best bidder. The bonds of the State, dated April 1, 1885, were issued, denominated "Registered Bond, Temporary Loan," for \$600,000.00, bearing  $3\frac{1}{2}$  per cent. interest, payable semi-annually, upon which loan the State received a premium of 13-8 per cent., amounting to \$8,250.00, and the sum of \$608,250.00 was paid into the State Treasury to the credit of the General Fund.

Similar bonds denominated "Registered Funding Bond, Temporary Loan," for \$585,000.00 were issued payable in ten years from April 1, 1885, bearing interest at  $3\frac{1}{2}$  per cent. per annum, and with the proceeds of said bonds the State redeemed and canceled said outstanding temporary loan bonds of \$585,000.00 issued April 1, 1879, bearing 5 per cent. interest. A premium on the new bonds of  $1\frac{1}{4}$  per cent., amounting to \$10,965.75, was received and paid into the State Treasury to the credit of the General Fund.

The premium received upon the \$600,000.00 was much smaller than received upon the \$585,000.00 funding loan, because the law required the former to be redeemable at the pleasure of the State after five years while the latter was payable in ten years, capitalists regarding it a very desirable investment.

The General Assembly, by an act approved March 31, 1885, authorized the Governor, Auditor and Treasurer to make a temporary loan of \$500,000.00 by issuing and selling the bonds of the State, redeemable in not less than five nor more than ten years, bearing interest at a rate not exceeding four per cent. per annum, payable semi-annually, to meet the appropriations for the new State House.

According to public notice of the sale of said bonds, said

loan was awarded to the lowest and best bidder, and in pursuance of such bids, the bonds of the State were issued, denominated "Registered New State House Bond, Temporary Loan," dated May 1, 1885, payable in ten years, bearing  $3\frac{1}{2}$  per cent. interest per annum, payable semi-annually, upon which loan the State received a premium of  $1\frac{1}{2}$  per cent., amounting to \$7,500, and the sum of \$507,500.00 was deposited in the State Treasury to the credit of the New State House Fund, as the law directed.

- The credit of the State has so improved that said loans were negotiated at a rate of interest, with the premiums received, that will make said loans average about  $3\frac{1}{4}$  per cent., and the refunding of said temporary loan of April 1, 1879, will make an annual saving of \$8,775 in interest.

Under provisions of "An act to provide a fund for the permanent endowment of the Indiana University and for the investment of the same," approved March 3, 1883, a sum exceeding \$60,000 of said permanent endowment fund had been paid into the State Treasury, and, the State needing a loan to meet a casual deficit in the revenue and to pay the interest on the public debt, the sum of \$60,000 was, in pursuance to section 6 of said act, transferred from said fund to the credit of the General Fund. As provided in said act, a non-negotiable bond of the State for said amount was made and issued by the Governor and Treasurer, attested by the Secretary of State with the State seal, to the Trustees of said University, dated October 1, 1885, payable in fifty years at the option of the State, bearing 5 per cent. interest, to be paid semi-annually on the 1st days of May and November, in each year, until said bond is paid.

The total amount borrowed for the benefit of the General Fund was \$660,000, and, deducting such amount from the amount of the said extraordinary expenses, \$1,208,852.02, will show that during said years 1883, 1884, 1885 and 1886 the sum of \$548,852.02 has been paid from the revenues of the State, over and above the ordinary expenses.

It will be apparent to you that the State can not engage in the construction of expensive and elaborate improvements without increasing the tax levy for State purposes, or borrow in the necessary moneys to meet the additional cost of such improvements. Considering the excellent credit of the State,

I have no hesitation in recommending the borrowing of the necessary funds in preference to increasing the rate of taxation.

The rate of interest which the State would be required to pay would not exceed one-half of the rate which individual tax-payers of the State would be compelled to pay, and a sinking fund to pay the bonds as rapidly as the State would have the right to redeem would finally liquidate the State's indebtedness.

The net receipts to the General Fund from all sources, exclusive of \$257,936.75 advanced by counties and \$679,215.75 received on loans, for the fiscal year ending October 31, 1885, were \$1,424,249.10, while the expenditures from the same fund, exclusive of advances returned to counties during such year, pursuant to appropriations, were \$2,083,085.61.

The net receipts to the same fund, exclusive of advances by counties, for the fiscal year ending October 31, 1886, were \$1,421,350.84, while the expenditures from the same fund, exclusive of advances returned by counties, during such year, pursuant to appropriations, were \$1,619,537.78. The expenditures of the last year are not equal to those of the former year, because the revenues of the State have not been sufficient to meet the appropriations.

The State is paying annually about one-fifth of its entire revenue as interest on its domestic debt, which consists of non-negotiable school bonds of \$3,904,783.22, issued in 1867 and 1868, bearing 6 per cent. interest; a non-negotiable Purdue University bond of \$340,000, issued in 1881, bearing 5 per cent. interest, and a non-negotiable State University bond of \$60,000, bearing 5 per cent. interest; and I earnestly recommend a reduction in the interest on the \$3,904,783.22 school bonds to 3 or 3½ per cent., as I believe the revenues to the School Fund would still continue to be sufficient.

If, however, it should be deemed preferable, inasmuch as the State can borrow money at a much lower rate of interest, a loan could be authorized to pay off the entire non-negotiable school bonds, and after the payment thereof provide that the money shall be distributed to the counties in the manner heretofore provided by law, and that all school funds be loaned in the manner now directed at a rate of interest not exceeding 6 per cent. per annum. Either method, I believe, would meet with popular approval.

If a funding loan for such purpose were negotiated at a rate of interest not exceeding 3 per cent., which I believe to be possible, it would result in an annual saving of interest of \$117,143.50, besides providing a large amount to be loaned to the people of the State at a fair rate of interest.

It is evident that the revenues are barely sufficient to meet the current expenses of the State government, and with a decreased appraisement of nearly \$54,000,000 of the property in the State subject to taxation, shows conclusively that the money necessary to complete and equip the new public buildings must be raised either by increased taxation or the negotiation of a temporary loan.

In order to provide for the wants of the State and the completion and equipment of the public buildings now in process of construction, a sufficient loan should be authorized, running twenty years, redeemable at the pleasure of the State after fifteen years, at a rate of interest not exceeding three and a half per cent. per annum.

As a means of creating a sinking fund for the final extinguishment of the State debt, I would recommend that the present tax of two cents, levied for State House purposes, be continued permanently, and the proceeds used in paying off or purchasing the State's bonds for cancellation and destruction, thus liquidating the State's indebtedness, caused by the construction of the new public buildings, without increasing the present rate of taxation.

With the signs of increased prosperity, I trust that we may reasonably anticipate some increase in the value of the personal property of the State, and that the current receipts will be ample to discharge all current expenses, after providing for the present contingencies.

But I assure you that this can not be done without your assistance in zealously protecting the Treasury from doubtful claims and extravagant appropriations.

#### NEW STATE HOUSE.

The construction of the new State House, in accordance with the provisions of an act of the General Assembly, approved March 14, 1877, is fast approaching completion and will, doubtless, be ready for acceptance and occupancy during the present year.

The Board of State House Commissioners, in their report, will submit to you a full statement of their financial transactions and detailed estimates of the expenditures to complete the House and to provide the same with furniture, for both of which purposes additional appropriations will be necessary.

It is insisted by the Commissioners, that the amount now on hand, with the amount received from taxes next February, will be exhausted by next March in payment of work now under contract, and such work will have to be suspended, unless the General Assembly makes provision to continue the same.

They are of the opinion that the law prohibits them from incurring any indebtedness beyond the appropriations, and that therefore the amounts to be derived from taxes in August, 1887, and February, 1888, should be retained to pay the unpaid per cent. due the contractors.

I would recommend an immediate consideration of the matter and the proper appropriation, in order that the work upon the House may have the utmost possible advancement, and its completion insured at the earliest practicable date.

Your attention is also called to needed legislation to provide for the care and custody of the new State House after its completion and acceptance by the State.

#### ADDITIONAL HOSPITALS FOR THE INSANE.

The law authorizing the construction of three additional Hospitals for Insane was passed in 1883. The law required that two commissioners should be appointed from each of the two leading political parties to superintend their construction.

My predecessor appointed as such commissioners Gen. Wm. Grose, Hon. DeForest Skinner, Col. Joseph R. Gray, and Hon. John C. Robinson.

The location of the several Hospitals was fixed, one of each at Evansville, Richmond and Logansport; the plans and specifications adopted and the contracts for their construction let, and the buildings commenced before the commencement of my official term.

The Board as constituted by my predecessor was continued by myself, and so remained until October 25, 1886, when Gen. William Grose resigned, and has since been elected a member of the present General Assembly. The Hon. Eugene H. Bundy was appointed to fill the vacancy.

The commissioners, in the construction of the Hospitals, have kept in view the needs of the future, and have constructed each institution in such a manner that increased capacity can be obtained at a very low cost per capita. The Medical Engineer estimates the aggregate capacity of the three Hospitals at 1,100, but more can be accommodated without serious inconvenience. The census of 1880 enumerated 3,530 insane persons in the State; 1,195 were males, and 1,835 were females. The State Hospital for Insane at Indianapolis has accommodations for about 1,500 patients, which number, if deducted from the number enumerated in the census of 1880, would leave without hospital accommodations 2,030.

Inquiry made last September, through the State Board of Health, showed the number of insane persons confined in the jails and poor-houses of the State to be about 1,100, and it is reported that some of them are locked in cells, some wear ball and chain, and others are chained to the floor. I need not urge the necessity of an early completion of the Hospitals in order that these poor unfortunates may have proper care and medical treatment.

The total amount appropriated for the construction of the three Hospitals is \$1,163,800, and the Board asks an additional appropriation of \$107,000, to complete and equip the institutions.

Of the allowances made to the contractors there has been paid \$747,255.73, leaving a balance of the appropriations for said Hospitals unexpended of \$419,556.05, which amount was unexpended because the receipts to the General Fund were not sufficient to pay allowances against the same, and meet the large expenditures for the maintenance of the State government and the public institutions. In the contracts for the construction of the Hospitals it was provided that the Board of Commissioners might suspend their construction at any time, and the Commissioners were unwilling to proceed with the construction and approve and allow the estimates of the contractors, payable at once in the then condition of the Treasury, and the wisdom of their judgment was demonstrated by the fact that at the close of the last fiscal year there was only \$39,390.12 in the General Fund. The contractors desired to continue their work and requested and agreed to take their estimates approved and allowed for payment on future dates,

rather than discharge their organized force of employes, and, in pursuance of such request and agreement, allowances were made up to the 1st day of November, 1886, to the amount of \$153,457.61. But it was provided in the order of allowance of said sum that vouchers for \$99,550.75 should not be presented to the Auditor of State for warrants until January 1, 1887, and that vouchers for \$53,906.86 should not be presented until February 20, 1887, on which dates, it was understood by the Board of Commissioners, that sufficient funds would be in the Treasury to pay such allowances, or the present General Assembly would make provision for their payment.

The Medical Engineer estimates the annual cost of maintenance for each of the three hospitals for the fiscal year ending October 31, 1887, \$80,000; for the fiscal year ending October 31, 1888, to be about \$70,000, and for the fiscal year ending October 31, 1889, \$70,000.

The Board presents with their report such bills as they deem necessary for the organization and government of each institution when completed, the basis of which is a board of four trustees for each hospital, the two leading political parties to be equally represented on each board. The commissioners also recommend the purchase of ten acres additional to the present grounds of the Northern Hospital, for the purpose of adding to its symmetry and procuring better access to the grounds. The Board having purchased to the limit authorized by law, must have some additional authority to purchase the land. I commend the matter to your investigation and consideration.

#### STATE UNIVERSITY.

Indiana University is taking rank with the very best educational institutions in the West; the number of students is steadily increasing each year, and the work done in the University is equal to that done in many of the more pretentious universities. The library has been largely increased by well selected volumes. The museum is very extensive. The laboratories now afford unsurpassed facilities for practical work. The faculty is composed of men of high character and finished education. I commend the University to your favorable consideration.



## THE STATE NORMAL SCHOOL.

The success of the school has demonstrated its usefulness as a factor in developing professional teachers, and in promoting the cause of education.

During the seventeen years of its existence the average attendance has increased from 47 to 433 students. During the last two years 84 per cent. of the students have come from the homes of farmers and mechanics, and eighty-seven counties of the State have been represented.

## PUBLIC SCHOOLS.

The excellent report of the Superintendent of Public Instruction contains the evidence of the increased prosperity and efficiency of our common school system. The common school fund has been increasing at the rate of about \$60,000 per year for several years past, and now amounts to \$9,458,085.71.

The Superintendent has spent much time and care in the preparation of valuable analytical tables and statements for his report, which will give much interesting information in relation to the common schools.

## INSTITUTION FOR THE DEAF AND DUMB.

The report of this institution for the year 1886 shows the value of the real estate is \$459,000; personal property, \$44,890; total, \$503,890.97; value of products of farm and garden, \$3,618.65; earnings of the institution, \$62.81; value of clothing furnished pupils and returned to State Treasury for collection, \$963.93; appropriation for maintenance, \$55,000; expended from maintenance fund, \$52,069.98; appropriated for repairs, \$3,000; expended from repair fund, \$1,388.45; special fund, \$726.27; expended from special fund, \$195.35; number of pupils in attendance, 316; per capita cost, \$161.52.

The Superintendent's report shows that the health of the pupils during the year has been good, and that a marked improvement has been made in educational methods.

## INSTITUTION FOR THE EDUCATION OF THE BLIND.

The Trustees in their report estimate the value of the real estate at \$356,238; the personal property at \$17,760.66; total valuation, \$373,998.66. They report expended for current sup-

port, \$23,892; for repairs, \$1,996.67; total expenditure, \$25,888.67. The Institution furnishes the pupils tuition, board and washing only.

The Superintendent's report shows that the school session commences on the second Wednesday in September, annually, and continues forty consecutive weeks, at the expiration of which all the pupils are required to be removed from the Institution. The whole number of pupils enrolled during the session of 1885 was 126. The total number enrolled during the session of 1886 was 130, 60 males and 70 females. The average monthly attendance was 93. The cost per capita for maintenance was \$197.45 for forty weeks. Considering that the pupils are in the Institution only forty weeks, the cost per capita, based on expenditure for current support, is equal to \$256.90 for twelve months. The total amount expended was \$25,888.67, making the cost per capita per annum \$278.37, or \$6.95 per week for each pupil. The Superintendent appoints the teachers and employes, and I invite your attention to the very excellent report of the Treasurer, which shows the number of officers, teachers and employes to be 31, being one employe for every three pupils, and further shows that of the \$23,892 expended for current support, \$12,817.27 was paid in the way of salaries to officers, teachers and employes, and \$492.22 paid to the Superintendent for incidental expenses.

#### INDIANA INSANE HOSPITAL.

The Trustees, in their report ending October 31, 1886, estimate the value of the real estate at \$1,430,150.00; value of personal property, \$221,060.95. Total, \$1,651,210.95.

There was appropriated for the fiscal year ending October 31, 1885, for maintenance, clothing and repairs, \$280,000.

There was appropriated for the fiscal year 1886 for maintenance, clothing, repairs and improvements \$354,500. That portion of which was designated for specific repairs was authorized to be expended between the first days of April, 1885, and 1886, making the total for the two fiscal years \$634,500.00.

There was expended in the fiscal year ending October 31, 1885, \$319,087.90, and in the fiscal year ending October 31, 1886, \$298,958.60, showing that the entire appropriations of the two years of \$634,500.00 was all expended except the sum of \$16,453.50.

The average number of patients during the year 1885 was 1,422; the average number of patients for the year 1886 was 1,542. The per capita expense in 1885, based upon the expenditure for maintenance, was \$173.43; the per capita expense for the year 1886, based on the expenditure for maintenance, was \$160.02. Taking the total disbursements for each year, less the expenditure for clothing, the per capita expense for 1885 would be \$216.08, and for 1886 would be \$186.19.

The Superintendent's report shows the number of officers and employes to be upward of 300, or one salaried person for ever four and one-half patients, and the amount of compensation paid to them to be about \$7,000 per month.

The annual expense of maintaining the Institution consumes about one-fourth of the entire revenue of the State. I earnestly recommend that the law governing the Institution be so amended that patients who have estates sufficient to support them should be compelled to pay for their maintenance. To maintain, care for and furnish with medical treatment patients whose estates are ample to pay for the same is, in my judgment, a great wrong upon the tax-payers of the State, and for the purpose of ascertaining the ability of a patient to pay the same, the Justices of the Peace, before whom the examination is made for the purpose of admission of patients, should be required to cause subpoenas to be issued for witnesses supposed to be acquainted with the financial condition of the estate of the patient, or the husband, if the patient be a wife, and procure other evidence, if necessary, to fully ascertain the worth of the estate and its ability to pay all or a part of the expense of maintenance, to be estimated upon the published per capita cost, and make certificate accordingly, to be forwarded to the Superintendent of the asylum with the other papers for admission.

I deem such legislation important, owing to the growing magnitude of our benevolent institutions. Every principle of humanity demands that the State make ample provision for the kindly care and custody of its insane, yet the burden of expense occasioned thereby should be made to rest where it properly belongs.

SOLDIERS' ORPHANS' HOME AND INSTITUTION FOR FEEBLE-MINDED  
CHILDREN.

The last General Assembly amended the law for the government of the Soldiers' Orphans' Home, and the Institution for Feeble-Minded Children, which provided that the Governor should appoint three Trustees, one of which, at least, should be a woman, and the male members of the Board should be honorably discharged Union soldiers, and at least one member should be an adherent of one of each of the two political parties casting the largest number of votes at the last general election.

In pursuance to said amendment, I appointed as a board for the management of said Institution the Hon. Ben. L. Smith, of Rush County; Captain James H. Harris, of Hamilton County, both honorably discharged Union soldiers, and Mrs. Sarah E. Pittman, of Monroe County, whose husband is also an honorably discharged Union soldier. They still constitute said Board. The Trustees had succeeded, by judicious management of the Institution, in paying off a large portion of its indebtedness, and were congratulating themselves upon being able to make repairs and beautify the grounds during the coming year without increasing the expense of their management, when, on the 21st day of July, 1886, a disastrous fire destroyed the main building of the Institution, but providentially no lives were lost. The building was insured for \$25,000, \$20,000 of which has been paid, and \$5,000 is now in litigation. The grounds consist of fifty-seven acres, which are valued by the Trustees at \$4,500; the walls and foundation of the building at \$17,000; boiler-house, boiler and engine, \$4,500; laundry, bakery, school-house, nursery, barn and other buildings, \$2,500—total valuation, \$23,500.

The Trustees say in their report that they have received from insurance \$20,000, and have borrowed from maintenance fund for repairs, \$488.29; total, \$20,488.29; and that they have contracted for the construction of a new building according to the plans and specifications of their architect, for the sum of \$54,000, exclusive of the cost of clearing away the debris, tearing down unsafe walls, and repairing the foundation, the expenditure on account of which is set forth in their report.

The Trustees have been moved to prompt action to rebuild

in order that a home may again be provided at as early a date as possible for the inmates, and I commend their action to your favorable consideration. I recommend that the Feeble-Minded Institution be separated from that of the Soldiers' Orphans' Home, and suggest that the feeble-minded inmates be removed to one of the new hospitals now in course of construction.

#### STATE PRISON SOUTH.

The report of the Directors for the State Prison South shows that the income of the prison has not been quite sufficient to meet the current expenses. The total disbursements, including officers' salaries and \$4,307.61 expended for repairs for the fiscal year ending October 31, 1886, were \$82,255.45; receipts and earnings, \$79,590.12, showing excess of disbursements over receipts, \$2,665.33.

The Directors say that the buildings are old and not convenient for manufacturing purposes, some of them having been constructed fully half a century ago, and from their scattered position contractors are deterred from bidding for labor on account of not being able to work the men together. The Directors recommend an appropriation for the purpose of making the chapel more attractive, thereby aiding in the moral reformation of the prisoners, and also recommend the purchase of the grounds adjacent to the prison on the west, to be added to the prison property for the purpose of storage for contractors and burial ground for the unclaimed dead. They advise that upon the completion of the new insane hospitals the hopelessly insane convicts be removed thereto, as the prison is unprovided for their care and humane treatment.

The Directors also say that there is an imperative need of a brick or stone wall upon the entire west side of the inclosure, and on nearly one-half of both the north and south sides, the present walls being old and rickety, composed of two-inch plank standing on end, and are in danger of being blown down or falling from age and dilapidation.

The Warden's report shows that the daily average number of convicts during the year was 573, and the number remaining in prison October 31, 1886, was 525. The number received since the establishment of the prison, in 1822, was 8,743, and discharged up to October 31, 1886, 8,218.

## STATE PRISON NORTH.

The reports of the State Prison North for the last two fiscal years show the prison to have been self-sustaining. For the fiscal year ending October 31, 1885, the receipts and earnings were \$103,221.67. Total disbursements, including repairs, officers' salaries and \$26,657.25 expended for improvements, were \$99,662.15. The excess of receipts over all expenditures was, \$3,559.52. The monthly average number of prisoners was 702; number of deaths, 8, and number of prisoners October 31, 1885, 703.

For the fiscal year ending October 31, 1886, the receipts and earnings were \$111,430.10. Total disbursements, including repairs, addition to library, and officers' salaries, were \$96,712.37. The receipts over expenditures, \$14,717.73, showing an increase of receipts over previous year of \$8,208.43, and a decrease in expenditures of \$2,950.15, and an increase in net earnings over previous year of \$11,158.58. The monthly average number of prisoners was 701; died during the year, 13; number in prison October 31, 1886, 697; received since its establishment in 1860 until October 31, 1886, 5,427, and discharged, 4,277.

The sanitary condition of the prison during the last two fiscal years has been excellent, and the health of the prisoners has been good.

## REFORMATORY FOR WOMEN AND GIRLS.

The report of this Institution for the year 1885 shows that at the close of the fiscal year there were in the Penal Department 45, and in the Reformatory Department, 132. Average number for the year, 188. The total expenditure for maintenance and repairs was \$29,826.08; the net earnings of the Institution \$426.12, making the entire cost of the Institution for the year \$29,399.96. The per capita cost based on the entire expenditure was \$156.38. The earnings per capita per annum, \$2.26.

The report of the Institution for the year 1886 shows that there were in the Penal Department 54, and in the Reformatory Department 129. Average number for the year, 181. The expenditure for maintenance and repairs was \$30,000.00. The net earnings of the Institution for the year, including amount received for boarding one United States prisoner, were \$758.81,

leaving as the net cost of the Institution for the year \$29,241.19. Per capita cost, based on entire expenditure, \$161.55. Earnings, per capita, per annum, \$4.19. Aggregate salaries paid officers and employes, \$8,258.40.

The managers recommend the building of a hospital and chapel. Considering that the State is now engaged in the construction of a new State House and three additional Hospitals for the Insane, and the rebuilding of the Soldiers' Orphans' Home, and that the chapel is of sufficient capacity, and can be used without much inconvenience, I do not feel like recommending its construction at present, but recommend to your consideration the request of the managers for additional hospital room.

#### INDIANA REFORM SCHOOL FOR BOYS.

This Institution, formerly named "The House of Refuge," was established in 1868. There have been admitted to its guardianship since its opening, January 1, 1868, 2,439 boys. There were, at the close of the present year, 516 in the Institution, an increase of 76 over the preceding year. There were admitted during the last year 203, and released 216.

The Institution has been remarkably free from disease, not a single death having occurred during the last year. This fact speaks highly for the sanitary condition of the Institution, its discipline, and the care and attention given the inmates.

The appropriation last year for the maintenance of the Institution was \$60,000.00. The Trustees ask an additional appropriation of \$5,000.00, on account of needed improvements, and also recommend that legislative provision be made for the appointment of a "Visitor" to visit the boys out on ticket-of-leave, for the purpose of ascertaining the character of their homes, the influences that surround them and their general conduct, that the management of the Institution may have reliable information in relation to the same, and also to procure suitable homes for homeless boys, whose conduct in the Institution entitles them to ticket-of-leave.

I regard the Reform School as one of the most important Institutions of the State, and believe that the results, in the way of reformation, are so great as to commend it to the fostering care of the State. I have commuted the sentence of 24 boys, sentenced by the courts to the State Prisons, to the care and

custody of the Institution. I recommend that the law governing the Institution be amended, so as to prevent the committal of boys to the Institution that have been guilty of no crime, unless it is clearly shown to the court that they are beyond parental control. This amendment I deem important for the purpose of preventing step-fathers and step-mothers, whose children have committed no crime, and are really not beyond parental control, from procuring their admission to the Reform School, simply for the purpose of bringing about agreeable relations, and also to prevent parents from procuring their children to be sent to the Institution for the purpose of relieving themselves of parental responsibility.

#### PRISON REFORM.

The Constitution of the State provides that "the penal code shall be founded on the principles of reformation and not of vindictive justice; that cruel and unusual punishments shall not be inflicted; that all penalties shall be proportioned to the nature of the offense," yet our penal system and penal code, and especially the manner in which the latter is administered, could hardly be further from a compliance with those wise and humane provisions of our Constitution. Nearly every day our courts are sentencing to the penitentiary young men under 21 years of age, in many instances their first offense, and in many cases the offense a technical one, and hundreds are sent to the penitentiary by courts and juries, thereby blasting their characters forever, merely for the purpose of saving the county from the expense of a jail sentence, which would have been sufficient punishment for the crime committed, and not only increasing the number of the criminal class, but inflicting a punishment in violation of the above provisions of our Constitution, which says, "all punishment shall be proportioned to the nature of the offense." Two-thirds of the prisoners in our State prisons are under 30 years of age. To expect to reform this class of prisoners by the forced association with hardened and confirmed criminals, murderers, thieves and counterfeiters would be to reason that evil associations do not contaminate or corrupt. Those who have had experience in the management of prisons, and also those who have given careful attention to the impress made upon the character of the young and com-



paratively innocent convict, by the aggregate prison system, testify to its hurtful influence, and the almost impossibility of effecting reformation under such a system.

The sending of young men to the penitentiary for slight offenses is objectionable, for the further reason that however good his conduct may have been while a prisoner, yet, when discharged, he finds that the world does not look kindly on an ex-penitentiary convict, notwithstanding the offense for which he was convicted was not a grave one. It is with great difficulty he obtains honorable employment, and finds still greater difficulty in gaining admission to good society. The ignominy of the ex-penitentiary convict follows him like a destroying angel, wherever he may go. It is cruel to visit such a terrible punishment for a slight offense. A punishment that ends only with death and a punishment that deprives the young and first offender from obtaining honorable employment and the association of reputable persons, is a disgrace to Christian civilization, a mockery of the administration of justice, and a sad commentary upon statesmanship. If the State was not, at this time, so burdened with the expense of the construction of so many new buildings, I would earnestly recommend the establishment of an institution to be called by some such name as an "Industrial School" for the confinement of young convicts and of those guilty of their first offense, whose former character had been good, in order that they might have at least one chance to return to the path of rectitude and to the favorable recognition of their fellow-men.

The number of pardons, paroles, commutations and remission of fines granted, will be submitted by separate report at an early day in the session.

#### PUBLIC PRINTING, BINDING AND STATIONERY.

The report of the Secretary of State is accompanied by an elaborate and valuable report from the Clerk of the Bureau of Public Printing, Binding and Stationery, showing in detail the printing and binding done and the stationery furnished on account of each public office, and authorized by law to be charged to the Public Printing Fund, and also on account of each public institution, and authorized by law to be charged to the appropriation for such institution.

The present bureau was established by an act of the General Assembly, approved March 13, 1875, and all the public printing, binding and stationery for the use of the several offices, and the expense of which was chargeable to the Public Printing Fund, was to be executed through such bureau. The act has proved of great benefit to the State, and has reduced the cost of public printing. In 1885 the General Assembly, by an act approved April 13, 1885, largely increased the duties of the bureau, and required that all the printing, binding and stationery for the use of any office, or any public institution, should be executed through such bureau.

Under the law every office and institution has been supplied at a uniform price, which has been secured through competition, after due public advertisement.

Referring to the public printing act of 1885, the law does not explicitly provide whether the number of reports named in the act to be printed for the various institutions is exclusive of the number to be bound in the Documentary Journal, or whether the number authorized includes the sixteen hundred intended for the Documentary Journal.

As a matter of economy on account of the limited appropriation, the Bureau adopted the latter construction. The law should provide specifically what reports the Documentary Journal should contain, and should fix the number required for the Documentary Journal, in addition to the number to be printed for the various offices and institutions. The law should be further amended, providing for the biennial publication of many reports which are required to be published annually, thereby securing a great saving to the State.

In making the appropriation for public printing, binding and stationery, I would commend to your consideration the propriety of appropriating a specific amount for each officer or department named, for the reason that the present law appropriates a fixed sum without limiting the amount that any officer may order.

Mr. Jacob B. Maynard, the efficient Clerk of the Bureau, has made a careful examination of the old records, posted them up to make them intelligible, and brought a system out of a chaotic mass. For the first time since the organization of the Bureau, he has provided and carefully kept a complete record of the printing and binding done, and stationery furnished on

account of the last General Assembly, and though his duties have been largely increased, there has been no lacking in the reliability and completeness of his records. It was due to his active and earnest efforts in devising for the existing contract specifications which enabled the State, for the first time, to determine with certainty who was the lowest and best bidder for the work to be done, and the material to be furnished.

#### STATE BOARD OF HEALTH.

The report of the Board contains much interesting information, and gives a detailed account of their expenditures. The amount appropriated was \$5,000, all of which was expended, except the sum of fifty-six cents. The Board states that as the people become more familiar with the operations of the various health organizations, and the objects to be attained, the more popular the law becomes, and the more readily the rules and regulations of the Board are observed.

The Board recommends several amendments to the present law to increase its efficiency, to extend its jurisdiction over diseases of domestic animals and to create the office of State Veterinarian. The object of the several amendments is fully explained in the report, to which you are referred.

#### STATE LIBRARY.

The State Library was organized in 1841, and at the close of the last fiscal year contained 23,444 volumes. During the period of its existence it has been under the management of eighteen Librarians, holding an average tenure of  $2\frac{1}{2}$  years each. In so short a period a Librarian is barely able to become familiar with the duties of the position, and is compelled to retire when he has become competent to discharge intelligently its duties. It is evident that what the Librarian says in her report is true—that these frequent changes seriously detract from the usefulness of the Library, and will continue to do so until the Legislature makes different provisions for its management. The wants of the Library in detail are given in the report of the Librarian, which contains much valuable information.

## STATE BOARD OF AGRICULTURE.

A full account of the business of the State Board of Agriculture and a statement of its financial affairs during the last two fiscal years will be found in its reports of those two years.

The business affairs of the Board have been well managed and a marked improvement made in the display at its annual exhibitions, and the attendance much larger than in former years.

The net profit of the State Fair of 1885 was \$7,924.20, and of 1886, \$8,645.50. The Board has reduced its debt of \$60,000, bearing 10 per cent. interest, to \$35,000, bearing 6 per cent. interest. The Board asks an appropriation by the General Assembly sufficient to pay the interest on its debt for the coming two years, and authority to have not less than 8,000 of its annual reports printed.

## STATE GEOLOGIST.

The State Geologist has submitted to me a report of his labors and discoveries for the two years ending October 31, 1886. The report is quite voluminous, and I refer you to a careful perusal of its contents.

## INDIANA LEGION.

The report of the Adjutant-General shows the military force of the State to consist of three regiments of infantry and one regiment of artillery. The first regiment of infantry consists of eleven companies, aggregating 571 men; the second regiment of twelve companies, aggregating, 609 men; and the third regiment of eleven companies, aggregating 557 men; making the strength of infantry force 1,737 men. The first regiment of artillery is composed of nine batteries, aggregating 17 guns and 250 men, making the military force of the State, mustered into service, 2,020 men of all arms.

Indiana has never made an appropriation for the support of her militia, and in that respect stands alone among her sister States. Illinois appropriates annually \$150,000 for the support of her militia, and Ohio appropriates \$100,000. In consequence of the non-support by the State, old companies are constantly disbanding and new companies being organized. The result is that the State has but a very small force of trained and discip-

lined troops. The regiments in several instances have attempted to raise means for their support by holding encampments and charging an admission fee, which has rarely proved a financial success, and in several cases has brought financial disaster upon the regiment. In my opinion, the holding of military encampments for the purpose of charging admission fee, thus making a show of the militia of the State for the purpose of raising means for its support, is humiliating alike to the militia and the State. The State ought not to expect her citizens to organize military companies and bear all the expenses incident to their organization and drill and be subject to service on the call of the State. I recommend a reasonable appropriation for the support of the Legion, and that the number of troops be limited by law, so that the State may have, though it be small in numbers, a well-trained and disciplined military force.

Indiana furnished 208,367 soldiers for the Union Army during the late war.

Many of the muster-in and muster-out rolls in the Adjutant-General's office are worn out by constant use, and many of them have become partially unintelligible, and if it is the desire of the State to preserve her military records, provision should be made for that purpose.

In my judgment the rolls should be transcribed in book form. The Secretary of War has proposed to furnish the rolls not on file in the Adjutant-General's office, in order that the records of each State may be completed, provided each State will pay the expense occasioned thereby, which expense he says will be the salary for the number of hours that the clerical force of the War Department shall be engaged in such work.

The last General Assembly passed an act requiring Township Assessors to enroll all the surviving soldiers and widows of all the wars in which the United States has been engaged, but made no appropriation for the furnishing of blanks for that purpose. The Assessors of many of the counties of the State have, therefore, made no enrollment.

#### MINES AND MINING.

The report of the Mine Inspector shows that the number of mines operated in the State is 208; the total amount of capital invested in mining, \$1,975,000; the number of miners, 6,406; the number of fatal accidents among miners during the year,

7; the number of non-fatal accidents, 9; total number of accidents, 16, which was 16 less than last year, but the Inspector is of the opinion that all the accidents that occur in mining are not reported to him, and recommends an amendment to the law requiring owners and operators to report accidents to the Inspector.

The output of coal the last year was 3,000,000 tons, being 25,000 more than was reported last year.

The Mine Inspector in his report recommends a number of amendments to the law as being necessary, and I commend the same to your consideration.

#### PLEURO-PNEUMONIA.

In my inaugural address, I called attention to the alarming spread of pleuro-pneumonia among the cattle in New York, Ohio, Illinois, Kentucky, and other States, and that our own State was threatened with an invasion of said disease, and recommending legislation to protect the cattle interests of Indiana from the same. No action, however, was taken in relation to the matter by the last General Assembly. The disease continued to increase to such an alarming extent in neighboring States as to make its introduction into Indiana imminent, and causing great anxiety and alarm among the cattle growers of the State.

Believing it proper to do everything possible to prevent its introduction into this State, I issued a proclamation on the 10th day of November, 1885, prohibiting the importation of cattle into this State except under the regulations provided for in the proclamation, and while there was no law for the enforcement of the regulations required by the proclamation, yet, generally, it was cheerfully complied with by cattle shippers, and I have no doubt saved the cattle growers of Indiana from great loss, which would have occurred by the introduction of the disease.

On October 11, 1886, I issued another proclamation calling attention to my former proclamation, and warning shippers of cattle that the same must be complied with. On November 5, 1886, I received notice from Clinton County that a certain herd of cattle in that county was affected with a disease supposed to be pleuro-pneumonia. I immediately advised the State Board

of Health of the same, and suggested the propriety of sending a veterinarian to investigate the disease, which was promptly done. Within a day or two thereafter, I received notice that the same disease existed in other localities. I deemed the matter of sufficient importance to call the attention of the Bureau of Animal Industry, at Washington City, to the matter, and at my request Dr. D. E. Salmon, Chief of the Bureau of Animal Industry, came from Washington, and in company with the State Board of Health, fully investigated the disease, and pronounced it "Verminous Bronchitis," commonly known among cattle breeders by the name of "Hoose," principally affecting young cattle, and that the disease was curable and not contagious. The disease was introduced into the State by cattle imported from Sherman, New York. The disease is now believed to be under control, and no new cases have been reported, and I respectfully recommend the enactment of a law authorizing quarantine regulation in regard to the importation of cattle into this State, and providing for its enforcement, in order that the cattle growers of Indiana may have that protection to which so great and growing an interest is entitled.

#### GETTYSBURG MONUMENTS.

Two years ago I recommended an appropriation for the purpose of erecting tablets to mark the positions occupied by the Indiana regiments on the battlefield of Gettysburg, which was, perhaps, the greatest battle fought by the Army of the Potomac during the war, and which shed so much luster and renown upon the Union arms.

The Indiana regiments that participated in that great and decisive event were the Seventh, Fourteenth, Nineteenth, Twentieth and Twenty-seventh, and two companies of the First and six companies of the Third Cavalry. The General Assembly appropriated \$500 for each regiment for the erection of tablets, and the act provided "that the Governor, Lieutenant Governor, Adjutant General of State, and five members from each regiment, to be designated by the Governor, be a committee to expend said appropriation and place the tablets in position, in connection with the Gettysburg Battlefield Memorial Association, organized under the laws of Pennsylvania."

In pursuance to the provisions of said act, I appointed from the survivors of each regiment as follows:

*Third Cavalry*—William H. Beck, Ben. Gresham, Alfred Stratford, Charles W. Lee and George W. Spahr.

*Seventh Infantry*—W. C. Banta, J. V. Hadley, A. S. Pattison, M. C. Welsh and C. F. Hall.

*Fourteenth Infantry*—Nathan W. Kimbell, Chas. Myerhoff, E. H. Cavens, W. H. Patterson, William H. Houghton and David A. Beem.

*Nineteenth Infantry*—J. H. Stine, Frank Ethel, W. W. Dudley, Theo. W. Pease and W. W. Payton.

*Twentieth Infantry*—John C. Brown, Charles Reed, Louis S. Fulwiler, Thomas J. Smith and William T. Horine.

*Twenty-seventh Infantry*—Silas Colgrove, John R. Fessler, John R. Rankin, Joseph Wealle and James E. Smythe.

Said committees located the sites occupied by said regiments, purchased and erected tablets thereon, and on the 28th day of October, 1885, the monuments were dedicated and presented to the Gettysburg Battlefield Memorial Association, with appropriate ceremonies, and the committee say in their report that these monuments are a credit to our State, and conspicuously mark the several places where, in that great battle, the brave and gallant six regiments of Indiana won imperishable renown.

The committee report that the battlefield and monuments are cared for by the Battlefield Association, and that many of the States of the Union have made appropriations to the Association for that purpose, and recommend that Indiana make an appropriation to said Association for the same purpose.

The report of the committee will be submitted by a special message.

#### WORLD'S INDUSTRIAL AND COTTON CENTENNIAL EXPOSITION.

The last General Assembly passed an act appropriating \$3,900, or so much thereof as might be necessary, for the purpose of maintaining and preserving the exhibits of the State of Indiana at the World's Industrial and Cotton Centennial Exposition, then being held at the city of New Orleans.

The act provided that the Commissioner for Indiana to said Exposition should, within thirty days after the close thereof, make a full, true and complete report to the Governor of his receipts and expenditures as such Commissioner, and that with said report he should file vouchers for all sums by him expended.



As required by said act, the Commissioner, General James R. Carnahan; filed his report, with the proper vouchers, showing his receipts and expenditures as such Commissioner, which report shows an expenditure by the Commissioner of \$3,959.34, being an expenditure of \$59.34 in excess of the appropriation. Said report and vouchers are on file in the office of the Auditor of State.

#### TAXATION.

The decrease of nearly \$54,000,000 in the last appraisement of property, notwithstanding the State is constantly increasing in wealth and population, shows conclusively that a very large class of property is escaping taxation, and a law should be enacted providing for a system of the most rigid examination, in order to prevent the escape from taxation of various kinds of personal property, including money, promissory notes, stocks, mortgages, and the property of telephone, sleeping-car, parlor-car and trust companies.

The attempt to tax sleeping-cars, a few years ago, was resisted by the company in the United States Circuit Court, and the case was appealed to the Supreme Court of the United States, but the Legislature failed to make any appropriation for the prosecution of the suit to obtain a reversal. If it is the desire to test the question whether that class of property is liable to taxation, a new law should be enacted authorizing its taxation, for the reason that the Attorney-General expressed some doubt as to whether the question involved in said suit was *res adjudicate*, on account of the failure to continue its prosecution.

#### LABORING CLASSES.

The aggregation of individual wealth in various combinations of power, the combination of manufacturing monopolies, and the organization of coal mine and other syndicates with the railroad companies, are subjects that should receive your careful consideration. All these combinations of capital and corporate power are organized for the purpose of forcing up the prices of commodities and the necessities of life, and of controlling the wages of labor, to the serious detriment of the people and oppression of the laboring masses.

To such an extent has become the desire to rapidly accumulate wealth, that, were it possible, the very air we breathe and the water we drink would be controlled and doled out to the people at such prices as monopolists might see proper to fix. The laboring classes constitute a large portion of our population; they comprise, in a great measure, the honest, intelligent thinking citizens, who seek good government, and are entitled to as full protection at the hands of the law as capital or any other interest, and inasmuch as their capital comprises nothing but honest toil, the enactment of such laws as will protect their just rights against the combination of capital and corporate power, secure to them the prompt and full payment of their wages, and give relief from competition with convict contract labor, should receive your consideration.

#### BOILER INSPECTOR.

The use of steam power in propelling various kinds of machinery has grown so extensive, and the casualties have become so numerous on account of the defective construction and unsafe condition of boilers, that a public demand now exists for the inspection of all steam boilers. I would recommend the enactment of a law creating the office of Boiler Inspector, defining his duties and jurisdiction.

#### TOWNSHIP TRUSTEES.

The recent fraudulent transactions of Township Trustees and their exposure during the summer of 1885 are well known to each of you. Such fraudulent transactions seem to have been confined exclusively to the Township Trustees of Indiana, and raises the question whether our present township system does not explain why Indiana was made the field for such fraudulent operations.

The duties of Township Trustee, Township Treasurer and Township Clerk being combined in one officer, and thereby placing the entire management of township business in his hands without any check upon the transaction of his business, the accomplishment of fraud is made more easy and less liable to detection. The fact that such fraudulent transactions did not occur in those States that have adhered to the old system

of three Trustees, a Treasurer and a Clerk will be accepted as a better system than the combining of their duties in a single officer.

Under our laws the Common Council of our cities, with a single exception, appoints three School Trustees for the management of the city schools, and for stronger reasons it would seem that the management of the schools in the townships outside of the cities, as well as the management of other township business, is sufficient to authorize the election of three Township Trustees, a Treasurer and a Clerk.

I would recommend a return to that system.

#### DEFALCATION OF PUBLIC OFFICERS.

The frequent defalcations of persons in positions of public trust demand your earnest consideration, to the end that more stringent measures may be devised for the protection of public funds, and I recommend the enactment of a law requiring the official bonds of all State and County Treasurers to be signed by at least fifty freehold sureties, whose aggregate worth, over and above all their indebtedness and exemptions allowed by law, is double the amount of such bond, and that the severest penalties be attached to the crime of embezzlement.

#### CONCLUSION.

It is my sincere wish that your proceedings may be harmonious; that time will not be unnecessarily consumed at the public expense, and that the Divine Ruler of all things may inspire you with wisdom to perform your duties to the acceptability of the people of the State.

Senator Weir moved that the Governor's message be laid upon the table, and that 1,000 copies be printed and distributed on the desks of the Senators.

The motion carried.

Senator Johnson offered the following resolution :

*Resolved*, That the seats in the Senate Chamber be assigned to the two political parties now represented therein, and to the members of the Senate, by lot, in the manner following to-wit: The Secretary of the Senate shall prepare two ballots

precisely alike, upon one of which he shall inscribe the word "Democrat," and upon the other the word "Republican," and shall deposit the same in a closed box, whereupon the Assistant Secretary shall draw therefrom by chance one of said ballots, and the members of the political party whose name appears thereon shall select either the east or west side of the chamber for their party seats, and the other party shall be seated on the opposite side of said chamber; that upon the making of such selection the Doorkeeper shall arrange on the side selected as many seats as are necessary to seat the members of the political party making the choice; that as soon as such arrangements shall be made the Secretary of the Senate shall write the name of each Senator upon a separate ballot (said ballots to be alike in every particular), and deposit the same in a box aforesaid, from which the Assistant Secretary shall proceed to draw said ballots, one at a time, and as each Senator's name is drawn he shall proceed in the order of his drawing to select his seat from among the seats so previously assigned to the members of his political party.

*Resolved, further,* That the action contemplated in this resolution be had and taken upon the assembly of the Senate on Monday morning next, or as soon as practicable thereafter.

And he asks unanimous consent for its consideration.

Senator Fowler moved that the resolution be rejected.

While discussion was being had on said motion, Senator Weir moved that the Senate adjourn.

The motion carried.

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## AFTERNOON SESSION.

JANUARY 7, 1887.

The Senate met at 2 o'clock, Senator A. G. Smith, President of the Senate, in the chair.

Discussion was resumed on Senator Johnson's resolution.

Senator Trippet raised the point of order that a statute could not be changed by resolution.

The point of order was sustained by the chair.

Senators Winter and Campbell presented the following appeal:

The Senate having under consideration the resolution of the Senator from Wayne in reference to the seating of the members, the Senator from Posey and Gibson claimed as a point of order that it contemplated a change of law by resolution, which was not competent for the Senate to do. The chair sustained the point of order, for the reasons stated, whereupon the Senator from Marion (Mr. Winter) appealed from the decision of the chair to the Senate, and the Senator from Hendricks and Putnam joined in the appeal.

WINTER,  
CAMPBELL.

The question being, Shall the decision of the chair be the decision of the Senate?

Senator Fowler moved to lay the appeal on the table.

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Bailey, Barrett, Berry, Bryant, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald of Whitley, Peterson, Rahm, Schloss, Sellers, Shively, Thompson of Jasper, Tharp, Urmston, Weir, Zimmerman, Mr. President. Total, 26.

Those voting in the negative were:

Senators Andrew, Campbell, Cox, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Mullinix, Shroyer, Smith of Jennings, Smith of Wells, Thompson of Marion, Winter. Total, 22.

So the appeal was laid on the table.

Senator Kennedy offered the following resolution, it being Resolution No. 10:

*Resolved*, That the Senate Committee on Fees and Salaries be and are hereby instructed to report a bill at their earliest

convenience for the reduction of fees and salaries of both State and county offices to take effect on and after the next general election in November, 1888.

A. M. KENNEDY.

Senator Zimmerman offered the following amendment to Senator Kennedy's resolution :

That the fees and salaries of county officers be graded according to the population of their respective counties and the services rendered.

The amendment was accepted by the mover of the original resolution.

The ayes and noes being demanded and taken, resulted as follows:

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Bryant, Campbell, Cox, Davis, Day, DeMotte, Drake, Dresser, Duncan of Brown, Ensley, Fowler, French, Griffith, Hale, Harness, Howard of Decatur, Howard of St. Joseph, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald of Whitley, McDonald of Jackson, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Winter, Zimmerman. Total, 38.

No Senator voting in the negative.

So the resolution was adopted.

Senator Schloss, from the Committee on Mileage, offered the following report :

MR. PRESIDENT :

Your Committee on Mileage beg leave to report as follows :

Senator Andrew, 260.....	\$52 00
Senator Bailey, — .....	—
Senator Barrett, 266.....	53 20
Senator Berry, 260.....	52 00
Senator Bryant, 104.....	20 80
Senator Campbell, 40.....	8 00
Senator Cox, 60.....	12 00
Senator Davis, 300.....	60 00
Senator Day, 228.....	45 60
Senator DeMotte, 320.....	64 00
Senator Drake, 380.....	76 00

Senator Dresser, 128.....	\$25 60
Senator Duncan of Tipton, 180.....	26 00
Senator Duncan of Brown, 122.....	24 40
Senator Ensley, 300.....	60 00
Senator Fowler, 106 miles .....	21 20
Senator French, 459 miles .....	91 80
Senator Griffith, 212 miles .....	42 40
Senator Hale, 230 miles .....	46 00
Senator Harness, 110 miles.....	22 00
Senator Howard of Decatur, 74 miles .....	14 80
Senator Howard of St. Joseph, 320 miles.....	64 00
Senator Huston, 114 miles .....	22 80
Senator Johnson, 160 miles .....	32 00
Senator Kennedy, 86 miles .....	17 20
Senator Logsdon, 498 miles.....	99 60
Senator Macy, 150 miles.....	30 00
Senator Marshall, 172 miles.....	34 40
Senator McClure, 220 miles.....	44 00
Senator McDonald of Whitley, 250 miles.....	50 00
Senator McDonald of Jackson, 116 miles.....	23 20
Senator Moon, 240 miles .....	48 00
Senator Mullinix, 142 miles.. ..	28 40
Senator Peterson, 116 miles.....	23 20
Senator Rahm, 364 miles.....	72 80
Senator Schloss, 144 miles .....	28 80
Senator Shroyer, 154 miles .....	30 80
Senator Sears, 210 miles .....	42 00
Senator Sellers, 178 miles.....	35 60
Senator Shively, 150 miles.....	30 00
Senator Smith of Jennings, 140 miles.....	28 00
Senator Smith of Wells, 180 miles.....	36 00
Senator Thompson of Jasper, 228 miles .....	45 60
Senator Thompson of Marion, — .....	————
Senator Tharp, 228 miles.....	45 60
Senator Trippet, 400 miles.....	80 00
Senator Urmston, 164 miles.....	32 80
Senator Winter, — .....	————
Senator Weir, 308 miles.....	61 60
Senator Zimmerman, 210 miles.....	42 00

Respectfully submitted,

PHILIP SCHLOSS, Chairman.

INMAN H. FOWLER,

F. WINTER.

The report was concurred in.

Senator Zimmerman offered the following resolution, and moved its adoption :

*Resolved*, That so much of the Governor's message as relates to the public debt and Treasury of State be referred to the Committee on Finance ;

That part relating to the educational interests of the State to the Committee on Education ;

That part referring to reformatory institutions to the Committee on Prisons ;

That part relating to benevolent institutions to the Committee on Benevolent Institutions ;

That portion relating to the erection and completion of the State House, additional hospitals for insane and the Soldiers' Orphans' Home and Institution for Feeble-minded Children to the Committee on Public Buildings ;

And all other suggestions of the Governor contained in the message to be referred to the proper committees for the purpose of acting thereon.

ZIMMERMAN.

Adopted.

Senator French offered the following resolution :

*Resolved*, That the Doorkeeper be authorized to purchase for his own use one-half dozen dusters, one-half dozen mops, one step ladder, two scrub brushes, lot of sponges and rags, and fifty small waste baskets for the use of Senators.

Which resolution was adopted.

The President of the Senate announced that he had appointed Harry R. Wair, Leo Fitzpatrick and Bertie L. Feibleman pages of the Senate.

Senator Thompson of Marion introduced Senate Bill No. 17, entitled :

A bill for an act to establish and maintain the Indiana Soldiers' and Sailors' Orphans' Home, and to repeal certain statutes relating thereto.



Which was read a first time and referred to the Committee on Temperance.

Senator Thompson of Marion introduced Senate Bill No. 18, entitled :

An act to pay Baker, Smith & Co. balance on their contract for steam heating apparatus in the Indiana Hospital for the Insane, Department for Women, and declaring an emergency.

Which was read a first time and referred to the Committee on Claims.

Senator Moon introduced Senate Bill No. 19.

Read the first time and referred to the Committee on Judiciary.

The chair ordered a call of the roll for the introduction of bills.

Senator Cox introduced Senate Bill No. 20, entitled :

An act concerning justices of the peace and their jurisdiction, approved September 19, 1881, the same being Sections 1629 and 1637 of Revised Statutes of 1881.

Which was read a first time and referred to the Judiciary Committee.

Senator Davis introduced Senate Bill No. 21, entitled :

A bill for an act to legalize the incorporation of the town of Middlebury, Indiana.

Read a first time and referred to a special committee consisting of Davis, Bryant, and Thompson of Marion.

Senator Drake introduced Senate Bill No. 22, entitled :

An act declaring streets and alleys in cities not opened or used for 20 years vacated.

Read a first time and referred to Committee on Cities and Towns.

Senator Dresser introduced Senate Bill No. 23, entitled :

An act to amend an act authorizing the construction of plank, macadamized and gravel roads.

Read a first time and referred to Committee on Roads.

Senator Griffith introduced Senate Bill No. 24, entitled :

An act concerning powers and duties of cities and their common councils, and providing the mode and manner of making street and alley improvements, and providing the mode and manner of enforcing the payment of the cost of street and alley improvements, and permitting cities to issue street improvement bonds, and repealing all conflicting laws.

Read a first time and referred to Committee on Cities and Towns.

Senator Harness introduced Senate Bill No. 25, entitled :

An act to amend section twenty-four of an act entitled, "an act regulating descents and the apportionment of estates."

Read a first time and referred to Committee on Judiciary.

Senator Johnson introduced Senate Bill No. 26, entitled :

An act concerning the death penalty, prescribing the time, place and manner of inflicting the same, defining who shall be the executioner, the duties of various officers in connection therewith, and repealing sections 294, 295, 296, 297, 298, 299, 300, 301 and 302 of an act entitled, "an act concerning proceedings in criminal cases, approved April 19, 1881," the same being sections 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879 and 1880 of the Revised Statutes of 1881.

Read first time and referred to Committee on Judiciary.

Senator Kennedy presented the following petition, which was read by consent, and was as follows :

*To the Legislators of the State of Indiana:*

The undersigned citizens and tax-payers petition your honorable body for legislation upon the following topics, viz. :

1. For the abolition of the office of County Superintendent.
2. For the amendment of the free pike law, putting it into the hands of Township Trustees as in Ohio.
3. For an amendment to the constitution for reduction of fees and salaries of county officers, making them a stipulated amount or sum.

4. For the Congress of the United States to pass laws for the regulation of fare and freight charged by railroads.

5. Providing for the purchase of all supplies for county officers by the County Commissioners by contract with the lowest responsible bidders.

6. Prohibiting all persons from accepting passes from railroad companies who have been elected to the Legislature during the time for which they have been elected, under penalty of fine and forfeiture of offices.

7. Providing for the listing of property for taxation from the first day of January of each year.

8. To disfranchise every voter or person that offers to buy a vote directly or indirectly.

SYLVESTER WILLEY,  
F. A. CLAPP,  
JOHN T. McMILLIN,  
G. W. REEVE,  
And numerous others.

The petition was read and referred to the Committee on Agriculture.

Senator Macy introduced Senate Bill No. 27, entitled :

A bill for an act to authorize the holding of primary elections by political parties and associations in any district, county or municipal corporations in this State, providing for the appointment of supervisors of such election, and to prescribe rules for the conduct thereof, and to prohibit the purchase and sale of votes and influence at such elections, and prescribing penalties and punishment therefor.

Read first time and referred to Committee on Elections.

Senator Mullinix introduced Senate Bill No. 28, entitled :

An act to amend sections 5198 and 5199, also 5201 of the Revised Statutes of 1881.

Which was read a first time and referred to the Committee on County and Township Business.

Senator Sears introduced Senate Bill No. 29, entitled :

An act to regulate the mining of coal, regulating the manner of weighing the same, prescribing penalties for violations of the same, and other matters connected therewith.

Read first time and referred to Committee on Mines and Mining.

Senator Schloss introduced Senate Bill No. 30, entitled :

An act to reclaim overflowed lands in Wabash bottoms.

Read first time and referred to Committee on Swamp Lands and Drainage.

Senator Shively offered petition No. 2, being a petition from Local Assembly of Knights of Labor No. 4919, which was read and referred to the Committee on Labor and Labor Statistics.

Senator Smith of Wells introduced Senate Bill No. 31, entitled :

An act to amend Section 3 of an act entitled an act providing for the election of clerks of the Circuit Court, and providing some of their duties, approved June 4, 1852, with an emergency clause.

Read a first time and referred to the Committee on County and Township Business.

Senator Thompson of Marion introduced Senate Bill No. 32, entitled :

An act to pay David R. Munson for work done by him for the State of Indiana, and declaring an emergency.

The bill was read a first time and referred to the Committee on Claims.

Senator Tharp introduced Senate Bill No. 33, entitled :

An act making it a misdemeanor for any person, co-partnership, corporation or association, or any member, agent or employe thereof, to publish or issue any check, card or other paper which is not commercial or currency authorized to be issued by the United States government, in payment to any employe for manual or mechanical labor done, or contracted to be done, a misdemeanor and prescribing a penalty therefor.

The bill was read a first time and referred to the Committee on Labor and Labor Statistics. •

Senator Zimmerman introduced Senate Bill No. 84, entitled:

An act to amend Section 198 of an act entitled an act concerning public offenses and their punishment, approved April 14, 1881.

The bill was read a first time and referred to the Committee on Agriculture.

Senator Weir moved that when the Senate adjourn it adjourn to Tuesday next at 10 o'clock A. M.

Senator Winter moved to amend by substituting Monday for Tuesday.

The ayes and noes were demanded and called and resulted as follows:

Those voting in the affirmative were:

Senators Campbell, Davis, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Sears, Thompson, Jasper, Winter. Total, 18.

Those voting in the negative were:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald of Whitley, Mullinix, Peterson, Rahm, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman. Total, 31.

So the amendment was lost.

Senator Weir demanded the previous question upon his original motion.

The Senate seconded the demand for the previous question.

The question being, Shall the main question be now put?

The ayes and noes being demanded, a roll-call was ordered which resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald of Whitley, Peterson, Rahm, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman, Mr. President. Total, 29.

Those voting in the negative were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Sears, Thompson of Jasper, Winter. Total, 19.

So the motion carried.

The main question being put,

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald of Whitley, Mullinix, Peterson, Rahm, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman, Mr. President. Total, 29.

Those voting in the negative were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Thompson of Jasper, Winter. Total, 17.

So the motion carried.

Senator Sellers introduced a resolution asking that four thousand additional copies of the Governor's message be printed, and moved its adoption:

Senator Fowler moved to lay the motion on the table.

The ayes and noes being demanded and taken, resulted as follows:

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald of Whitley, Mullinix, Peterson, Rahm, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman. Total, 30.

Those voting in the negative were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Sears, Thompson of Jasper, Winter. Total, 19.

So the resolution was laid on the table.

The following message was received from the House :

WHEREAS, The Speaker of this House has fixed the hour of 10:30 A. M. next Monday, when he will proceed in the presence of both houses of the General Assembly, to open and publish the vote for Lieutenant Governor; therefore, be it

*Resolved*, That the Senate be and is hereby invited to attend in this hall at that time to witness such count.

Senator Bailey moved that the House message be tabled.

The ayes and noes being demanded and taken, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald of Whitley, Mullinix, Peterson, Rahm, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman and Mr. President. Total, 30.

Those voting in the negative were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Sears, Thompson of Jasper, and Winter. Total, 19.

So the message from the House was tabled.

Senator Griffith introduced the following resolution, and moved its adoption :

*Resolved*, That, in the judgment of this Senate, no election of Lieutenant Governor of the State of Indiana can legally be held except at times prescribed in the Constitution of said State, namely: At the time and place of electing members of the General Assembly in the year 1852 and every four years thereafter, and that, therefore, there was no vacancy in the office of Lieutenant Governor at or prior to last November election which could have been filled by the election of a Lieutenant Governor at that election, and for that reason it respectfully declines to be present at or witness any count or pretended vote for Lieutenant Governor of Indiana in the year 1886.

A division was called for as to whether the Senate would second the demand for the previous question.

The demand was seconded.

The question being, Shall the main question be now put?

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Hale, Howard of Decatur, Howard of Starke and St. Joseph, Logsdon, McClure, McDonald of Whitley, Mullinix, Peterson, Rahm, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman, and Mr. President. Total, 29.

Those voting in the negative were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Sears, Thompson of Jasper, and Winter. Total, 19.

So the motion carried.

The main question being now put,

The ayes and noes being demanded and taken, resulted as follows :



Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of Starke and St. Joseph, Logsdon, McClure, McDonald of Whitley, Mullinix, Peterson, Rahm, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman, and Mr. President. Total, 30.

Those voting in the negative were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Sears, Thompson of Jasper, and Winter. Total, 19.

So the resolution was adopted.

Senator French moved that the Senate do now adjourn.

The ayes and noes being demanded and taken resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McDonald of Whitley, Mullinix, Peterson, Rahm, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman and Mr. President. Total, 30.

Those voting in the negative were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Sears, Thompson of Jasper and Winter. Total, 19.

So the motion carried, and the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

## TUESDAY MORNING.

JANUARY 11, 1887.

The Senate met in regular session at 10 o'clock A. M., Senator A. G. Smith, President of the Senate, in the chair.

Prayer was offered by the Rev. McLeod, of the Second Presbyterian Church of Indianapolis.

The journal was read in part, and, on motion of Senator Sellers, its further reading was dispensed with.

Senator Trippet offered the following resolution, and moved its adoption, and upon that motion demanded the previous question :

*Resolved*, That the House of Representatives of the State of Indiana is hereby invited to convene with the Senate of the State of Indiana in joint assembly in the Chamber of the Senate on Wednesday, the nineteenth day of January, 1887, at 12 o'clock M., for the purpose of reading the journals of each house of the number of votes cast for Senator in Congress (upon the question for whom such house voted for Senator in Congress); and if the same person has not received a majority of all the votes in each house, then the joint Assembly shall proceed to choose a Senator in Congress to succeed Benjamin Harrison, and that they convene with the Senate in the Senate Chamber each succeeding day thereafter, at 12 o'clock M., during this session of the Legislature, for the purpose of voting as aforesaid, or until a Senator in Congress shall have been chosen as provided by law.

The Senate seconded the previous question.

A division of the vote was called for by Senator Johnson, and it was decided by a rising vote.

Thirty Senators voted in the affirmative and nineteen in the negative.

The question being, Shall the main question be now put?

The ayes and noes being demanded and taken, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald of Whitley, Mullinix, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman, Mr. President. Total, 80.

Those voting in the negative were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Sears, Thompson of Jasper, Winter. Total, 19.

So the motion carried.

The main question being now put,

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald of Whitley, Mullinix, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman, Mr. President. Total, 80.

Those voting in the negative were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Sears, Thompson of Jasper, Winter. Total, 19.

So the resolution was adopted.

Senator Davis offered a preamble and motion in regard to the action of the House in canvassing the vote for Lieutenant Governor, and providing for its being spread on the Journal of the Senate.

The motion was being discussed at length, Senator Johnson having the floor, when he yielded the floor to Senator Harness

to make a motion to adjourn, with the understanding that he should resume his argument on the motion upon the reassembling of the Senate after the noon adjournment.

The President of the Senate submitted the following standing committees:

*On Elections.*—Senators Bailey, Howard of Decatur and Shelby, French, Griffith, Moon, Sears and Dresser.

*On Finance.*—Senators Fowler, Rahm, McDonald of Whitley and Allen, Logsdon, Shroyer, Macy and DeMotte.

*On Judiciary.*—Senators Sellers, Fowler, Griffith, Barrett, Winter, Campbell and Johnson.

*On Organization of Courts.*—Senators Trippet, Bryant, Urmston, Duncan of Brown, Monroe and Bartholomew, Drake, Marshall and Campbell.

*On Education.*—Senators Duncan of Brown, mover of the resolution; French, Thompson of Marion, Howard of St. Joseph, Huston, Dresser, DeMotte.

*On Corporations.*—Senators Logsdon, Schloss, Day, French, Johnson of Wayne, Winter, Campbell.

*On Roads.*—Senators Peterson, Urmston, Andrew, Berry, Marshall, Kennedy, McDonald of Jackson and Lawrence.

*On Benevolent and Reformatory Institutions.*—Senators Rahm, Howard of Decatur and Shelby, Cox, Bailey, Duncan of Tipton and Hamilton, Dresser, Sears.

*On Agriculture.*—Senators Berry, Peterson, Logsdon, Cox, Kennedy, Huston, Davis.

*On Banks.*—Senators Zimmerman, Bryant, Hale, Griffith, Drake, DeMotte, Harness.

*On Public Printing.*—Senators Urmston, McClure, Smith of Wells and Huntington, Hale, Winter, Macy, Ensley.

*On Public Buildings and State Library.*—Senators French, Andrew, Mullinix, Tharp, Davis, Winter, Harness.

*On State Prisons.*—Senators Barrett, Bryant, Howard of St. Joseph, Trippet, Moon, Duncan of Tipton and Hamilton, Sears.

*On Swamp Lands and Drains.*—Senators Howard of St. Joseph, Day, McClure, Berry, Ensley, Macy, DeMotte.

*On Fees and Salaries.*—Senators Schloss, Howard of Decatur and Shelby, Cox, Duncan of Brown, Monroe and Bartholomew, Sears, Moon, Macy.

*On Claims and Expenditures.*—Senators Weir, Fowler, McDonald of Whitley and Allen, Day, Huston, Drake, McDonald of Jackson and Lawrence.

*On Military Affairs.*—Senators McDonald of Whitley and Allen, Thompson of Marion, Sellers, Hale, Marshall, DeMotte, Macy.

*On Phraseology, Arrangement of Bills, and Unfinished Business.*—Senators Smith of Wells and Huntington, Zimmerman, Shively, Tharp, Drake, Thompson of Jasper, Newton and Benton, Davis.

*On Federal Relations and Rights and Privileges of Inhabitants of the State.*—Senators McClure, Trippet, Shively, Sellers, Drake, McDonald of Jackson and Lawrence, Shroyer.

*On Temperance.*—Senators Andrew, Weir, McClure, Logsdon, Harness, Duncan of Tipton and Hamilton, and Moon.

*On County and Township Business.*—Senators Bryant, Urmston, Andrew, Smith of Wells and Huntington, Huston, Ensley, and Thompson of Jasper, Newton and Benton.

*On Public Health, Vital and Other Statistics.*—Senators Shively, Thompson of Marion, Mullinix, Howard of Decatur and Shelby, Kennedy, Duncan of Tipton and Hamilton, and Thompson of Jasper, Newton and Benton.

*On Insurance.*—Senators Cox, Schloss, Peterson, Zimmerman, Winter, Campbell and Harness.

*On Railroads.*—Senators Day, Schloss, Bailey, Weir, Ensley, Johnson and Sears.

*On Mines, Mining and Manufactures.*—Senators Tharp, Fowler, Mullinix, Trippet, Davis, Marshall and Kennedy.

*On Congressional Apportionment, to Consist of one Member from each Congressional District.*—Senators Mullinix (2), Logsdon (1), McClure (3), Howard of Decatur (4), Kennedy (6), Davis (13), Winter, Shively (9), McDonald of Whitley and Allen (12), Peterson (8), Dresser (11) and Campbell.

*On Legislative Apportionment (To consist of one member from each Congressional District).*—Senators Griffith (4), Thompson of Marion (7), Cox (5), Tharp (2), Weir (18), French (1), Smith of Wells and Huntington (3), McDonald of Jackson and Lawrence, Marshall, Duncan of Tipton and Hamilton, Johnson, Thompson of Jasper, Newton and Benton, Drake.

*On Supervision and Inspection of the Journal of the Senate.*—Senators Hale, Sellers, Duncan of Brown, Bartholomew and Monroe, Smith of Wells and Huntington, Thomson of Jasper, Newton and Benton, Shroyer, Moon.

*On Executive Appointments.*—Senators Howard of Decatur and Shelby, Rahm, Weir, Logsdon, McDonald of Jackson and Lawrence, Davis, Dresser.

*On Cities.*—Senators Thompson of Marion, McDonald of Whitley and Allen, Zimmerman, Barrett, Winter, Johnson, Huston.

*On Labor and Labor Statistics.*—Senators Bailey, Rahm, Barrett, Howard of St. Joseph, Shroyer, Harness, Ensley.

The list of committees of the Senate having been announced, on motion of Senator Harness, the Senate adjourned.

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## AFTERNOON SESSION.

JANUARY 11, 1887.

The Senate met at 2 o'clock, Senator A. G. Smith, President of the Senate, in the chair.

Senator Johnson resumed his argument on the motion made by Senator Davis.

The following message from the House was announced by the President of the Senate, and read by the Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed Engrossed House Bill No. 6, being a bill to fix the time of holding court in the 49th Circuit, and the same is herewith transmitted.

W. H. SMITH,  
Clerk.

• Senator Sellers offered the following resolution and moved its adoption :

*Resolved*, That the committees of the Senate arranged and this day announced by Hon. A. G. Smith, President of this Senate, shall be and constitute the standing committees of the Senate of the State of Indiana for the present session.

SELLERS.

The ayes and noes being demanded and taken, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald of Whitley, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmoston, Weir, Zimmerman, Mr. President. Total, 31.

Those voting in the negative were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Thompson of Jasper, Winter. Total, 18.

So the resolution was adopted.

Senator Weir raised the point of order that the motion made by Senator Davis was out of order.

The point of order was sustained by the chair.

Senators Huston and Winter appealed from the decision of the chair.

The question being, Shall the decision of the chair be the decision of the Senate ?

Senator Fowler moved to lay the appeal on the table.

The ayes and noes being demanded and taken resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald of Whitley, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively,

Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman, Mr. President. Total, 81.

Those voting in the negative were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Sears, Thompson of Jasper, Winter. Total, 19.

So the appeal was laid on the table.

On motion of Senator Sellers the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary of the Senate.

### WEDNESDAY MORNING.

JANUARY 12, 1887.

The Senate met in regular session at 10 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by the Rev. J. W. Duncan, of Hall Place Methodist Church, Indianapolis.

The reading of the Journal was being proceeded with, when, on motion of Senator French, the further reading of the Journal was dispensed with.

Senator Tharp asked unanimous consent of the Senate for the consideration of House Bill No. 6, and moved the suspension of the rules, and that it be read a first and second times by title, considered engrossed, and read a third time by sections, and put upon its passage.

The ayes and noes were ordered and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Campbell, Cox, Davis, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, French, Griffith, Hale, Harness, Howard of Decatur, Howard of St. Joseph, Huston, Johnson, Logsdon, Macy, Marshall, McClure, McDonald of Whitley, McDonald of Jackson, Moon, Mulnix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp,



Trippet, Urmston, Winter, Weir, Zimmerman, Mr. President.  
Total, 49.

So the rules were suspended.

Engrossed House Bill No. 6 was read a first and second time by title and a third time by sections and put upon its passage.

The ayes and noes were ordered and taken and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Campbell, Cox, Davis, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, French, Griffith, Hale, Harness, Howard of Decatur, Howard of St. Joseph, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald of Whitley, McDonald of Jackson, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Trippet, Urmston, Winter, Weir, Zimmerman, Mr. President.  
Total, 46.

No one voting in the negative.

So the bill passed, and the title of said bill was referred to the Committee on Phraseology.

Senator Shively offered the following petition:

The undersigned Senators respectfully request that you will appoint as page of the Senate Master George Russ.

W. C. Thompson,  
J. M. Andrew,  
B. F. Harness,  
F. M. Howard,  
J. W. Macy,  
J. N. Huston,  
James S. Shively,  
Wm. Rahm, Jr.,  
I. B. McDonald,  
S. W. Hale,  
W. W. Berry,  
E. B. Sellers,  
J. W. French,  
J. M. Barrett,  
M. H. Weir,

Silas Peters,  
L. C. Bryant,  
W. C. Duncan,  
F. M. Griffith,  
H. M. Logsdon,  
L. M. Campbell,  
A. R. Shroyer,  
D. McClure,  
F. Winter,  
George Moon,  
Nicholas Ensley,  
J. S. Drake,  
R. B. Sears,  
J. M. Dresser,  
C. K. Tharp,

J. H. C. Smith.

Senator Shively moved that Geo. Russ be appointed a page of the Senate.

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Barrett, Bryant, Campbell, Cox, DeMotte, Drake, Dresser, Duncan of Brown, Ensley, French, Griffith, Hale, Harness, Howard of Decatur, Huston, Logsdon, Macy, Marshall, McClure, McDonald of Whitley, McDonald of Jackson, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Winter, Weir, Zimmerman, Mr. President. Total, 39.

Those voting in the negative were :

Senators Bailey, Davis, Day, Duncan of Tipton, Fowler, Howard of St. Joseph, Johnson, Thompson of Jasper, Trippet. Total, 9.

So the motion carried, and George Russ was appointed a page of the Senate.

Senator French offered the following resolution, and moved its adoption :

*Resolved*, That the Doorkeeper of the Senate be and he is hereby authorized to employ a mail carrier to carry the Senatorial mail to and from the postoffice. •

The resolution was adopted.

Senator Fowler offered the following resignation :

**MR. PRESIDENT :**

My views on State finance are not in accord with the majority in this chamber; neither do I concur in the recommendations of the Governor in his late message to the General Assembly on the subject of providing means to defray the current expenses of the State Government. I therefore decline to accept the position assigned me as Chairman of the Committee on Finance.

Respectfully,

I. H. FOWLER.

The resignation was accepted, and Senator French was appointed to fill the vacancy thus made.

Senator Fowler presented the following petition :

HEADQUARTERS CORY POST G. A. R., No. 477, }  
CORY, CLAY COUNTY, IND. }

*To the Hon. I. H. Fowler, Senator, Greeting :*

You are hereby respectfully asked to vote for and use your influence for the passage of a bill for an act reorganizing the Indiana Soldiers' Orphans' Home, repealing all existing laws relating thereto, and providing for the presence therein, as its only pupils, orphans of deceased Union soldiers and necessitous children of permanently disabled or indigent Union soldiers, said bills having been prepared by the Department Board of Visitors of the Indiana Soldiers' Orphans' Home. By so doing you will confer a lasting favor upon the officers and comrades of said G. A. R. Post above named.

Very respectfully,

A. R. GREENWOOD,  
Commander Cory Post, G. A. R., No. 477.

W. P. FOULKE, Adjutant

Referred to Committee on Military Affairs.

Senator Drake moved that a committee of two be appointed to escort Robert S. Robertson to the President's chair of the Senate.

The Chair decided the motion out of order.

Senators Drake and Campbell appealed from the decision of the Chair.

Senator Fowler moved to lay the appeal on the table.

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald

of Whitley, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmoston, Weir, Zimmerman. Total, 80.

Those voting in the negative were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Sears, Thompson of Jasper, Winter. Total, 19.

So the appeal was laid on the table.

A petition relating to certain matters pertaining to Robert S. Robertson was presented by Senator Campbell, who moved its adoption.

Said petition was read for information.

Senator Bailey moved that said petition be rejected.

The ayes and noes being demanded and taken resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald of Whitley, Mullinix, Peterson, Rham, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmoston, Weir, Zimmerman. Total, 80.

Those voting in the negative were:

Senators Campbell, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Sears, Thompson of Jasper, Winter. Total, 19.

So the petition was rejected.

Senator Griffith moved that the papers on contests be referred to the Committee on Elections.

Referred by consent.

Senator Fowler offered Resolution No. 22, which is as follows, and moved its adoption :

*Resolved*, That two hundred copies of the rules for the government of the Senate be printed, which printed rules shall contain the standing committees of the Senate, the standing committees of the House, the joint rules for the government of the Senate and House, and the Constitution of the State of Indiana.

FOWLER.

The resolution was adopted.

Senator DeMotte made the following motion:

I move that in order that Senators may have access to their desks, and the people of the State an opportunity to view the building in the construction of which their money has been expended, the Doorkeeper be and he is hereby instructed to open the doors of this chamber at 8 o'clock A. M. and keep them open until 9 o'clock P. M. of each and every week day during the Legislative Session of 1887, and to admit Senators thereto at all times between said hours, and to admit all orderly citizens thereto, between said hours when the Senate is not in actual session.

Motion referred to Committee on Rules.

Senator Griffith offered Resolution No. 23, and moved its adoption, and on that motion demanded the previous question:

WHEREAS, On Tuesday, January 11, 1887, the Senate passed a resolution inviting the House of Representatives to meet the Senate in joint convention in the Senate Chamber, at 12 M., on Wednesday, January 19, 1887, for the purpose of canvassing the vote cast on the preceding day by each house, respectively, for Senator in Congress of the United States, and to continue such meeting from day to day until an election for such Senator takes place; therefore, be it

*Resolved*, That the Doorkeeper be, and he is hereby, directed to be prepared to place within the Senate Chamber one hundred chairs for the accommodation of the members of the House of Representatives on said day or days.

GRIFFITH.

The Senate seconded the demand for the previous question.

The question being, Shall the main question be now put?

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald of Whitley, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman, Mr. President. Total, 31.

Those voting in the negative were:

Senators Campbell, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Sears, Thompson of Jasper, Winter. Total, 19.

Carried.

The main question being put,

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith Hale Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald of Whitley, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman, Mr. President. Total, 31.

Those voting in the negative were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Moon, Shroyer, Thompson of Jasper, Winter. Total, 18.

So the resolution was adopted.

Senator Weir moved that four thousand copies of the Governor's message be printed for the use of the Senators.

The motion carried.

On motion of Senator Schloss the Senate adjourned.

## AFTERNOON SESSION.

JANUARY 12.

The Senate met pursuant to adjournment, Hon. A. G. Smith, President of the Senate, in the chair.

Senator Bailey offered the following resolution :

*Resolved*, That the Secretary of the Senate be, and is hereby, directed to procure, each day, and place a copy of the Daily Sentinel, Daily Journal and Daily News, of Indianapolis, and the Daily Enquirer, of Cincinnati, upon the several desks of the members of the Senate.

Senator Fowler moved that the resolution lie on the table.

The motion was carried and the resolution was tabled.

Senator Winter presented the following protest :

*Be it remembered*, That on Thursday, the sixth day of January, 1887, the members of the Senate, holding-over and newly-elected, of the Fifty-fifth General Assembly of the State Indiana, assembled in the Senate Chamber in the Capitol at the City of Indianapolis, and being so assembled when the hour of 10 o'clock A. M. arrived, the Honorable Alonzo G. Smith, a holding-over Senator from the senatorial district composed of the counties of Jennings and Jackson, of his own motion, in the absence of the Lieutenant Governor, took the President's chair and gavel and announced that, the time for the organization of the Senate of the Fifty-fifth General Assembly having arrived, the Senate would now come to order and the Senators and the Senators-elect should take their seats, whereupon, the Senator from Marion, holding-over, Mr. Winter, arose in his place, and addressing the occupant of the chair as "Mr. Chairman," demanded that the organization of the Senate should be had in accordance with the provisions of law relating thereto, and that the Auditor of State, Honorable James H. Rice, who was then present in the Senate Chamber, should preside in such organization; said Smith declared the Senator from Marion to be out of order and required him to take his seat; whereupon, the Senator from Marion announced that he appealed from such decision to the Senate, and the Senator-elect from Wayne, Mr. Johnson, sec-

ended the appeal, but the said Smith refused to entertain the appeal, declared that nothing was in order except the organization of the Senate, and required the Senators from Marion and Wayne to take their seats; whereupon, the Senator from Marion protested, the Senator from Wayne giving notice at the time that he joined therein against the action of said Smith as being a violation of law and violation of the rights and privileges of the Senate and members thereof, and announced that such protest would be reduced to writing and signed by himself and other Senators who desired to join therein, and demanded that it should at the proper time be entered on the Journal. During such protest said Smith, occupying the President's desk, rapped continuously with the gavel and frequently ordered and demanded that the Senators from Marion and Wayne should take their seats. Said Smith maintaining his position in the President's desk and further asserting his rights to organize the Senate, thereupon directed the Auditor of State to call the roll of holding-over Senators, which was done, and then directed said Auditor to call the roll of Senators-elect, which was likewise done; said Smith then directed that the Senators-elect, by relays of thirteen at a time, should present themselves at the bar of the Senate and take the oath of office, which was done.

Thereupon the Senator from Marion, Mr. Winter, arose in his place and addressing the occupant of the chair as "Mr. Chairman," stated that he desired to state a point of order going to the organization of the Senate, the point being, that the Senators-elect having taken the oath of office and the Lieutenant Governor not being present, the first thing in order was the election of a President *pro tempore* so that the Senate should have under its control all further proceedings in its organization, in which demand the Senator from Wayne, Mr. Johnson, joined, but said Smith declared the Senator from Marion and the Senator from Wayne to be out of order because they did not address the occupant of the chair as "Mr. President," and because, further, nothing was in order except the organization of the Senate and required the Senators to take their seats. Whereupon the Senator from Marion stated that he appealed from the decision to the Senate, and the Senator from Wayne, Mr. Johnson, joined in the appeal, but said Smith refused to entertain the appeal, whereupon the Senator from Marion pro-



tested in behalf of himself and colleagues against such proceedings of said Smith, and announced that the protest would be reduced to writing at the proper time; said Smith then announced that the organization of the Senate should proceed by the election of a Principal Secretary, Assistant Secretary and Doorkeeper, and the election of such officers was then had, said Smith occupying the President's desk, calling for the nomination of such officers, putting the questions on such elections, directing the Auditor of State to call the roll of members; the roll thereupon being called by such Auditor of State in obedience to such direction, and announcing the result of such election.

*And be it further remembered,* That said Smith, in all such proceedings, did not have, or claim to have, any other or different authority therefor except under and by virtue of an election to the office of President pro tempore of the Senate of the Fifty-fourth General Assembly, had on the 13th day of April, 1885.

*Be it further remembered,* That upon the election of such officers above named, the Senator from Gibson and Posey, Mr. French, offered a preamble and resolution reciting that the office of Lieutenant Governor was vacant, that said Smith had been elected President of the Senate for the occasion by the Senate of the Fifty-fourth General Assembly at the time hereinbefore stated, and therefore resolving that said Smith was recognized and elected as the President of the Senate of Indiana, and demanded the previous question and the adoption of such preamble and resolution. Said Smith thereupon called the Senator from White and Pulaski, Mr. Sellers, to the chair, and the Senator from Marion, Mr. Winter, arose in his place and demanded a division of the question, so that the vote should be taken upon preamble and resolution separately, but the Chairman decided that such demand was out of order. Whereupon the Senator from Marion appealed to the Senate from such decision, but the Chair refused to entertain the appeal and such resolution was thereupon adopted, as shown in the journal.

*Be it further remembered,* That the Senator from Marion, Mr. Bailey, introduced a resolution, accompanied by certain rules, resolv-

ing that such rules be adopted, for the government of the Senate, and demanded the previous question upon the adoption of such resolution, and such demand having been seconded by the Senate, the Senator from Hendricks and Putnam, Mr. Campbell, demanded a division of the question so that the vote might be taken separately upon each rule, but the chair, Mr. Smith, decided that it was too late to have a division of the question after the previous question had been seconded, and that it was out of order. The Senator from Marion, Mr. Winter, appealed from such decision to the Senate, but the chair refused to entertain the appeal, stating that an appeal could not be taken after the demand for the previous question had been seconded. Thereupon the Senate ordered the main question to be now put, and upon such question being stated, being the adoption of the rules, the Senator from Marion, Mr. Winter, stated the point of order that the third, tenth and other of such rules, which provide that from the decision of the President of the Senate as to which of two Senators should be recognized, and that an appeal might be taken upon the failure of the President of the Senate to put such appeal, or any other question, to the Senate, any two Senators might call upon the Secretary of the Senate to put such appeal or question, and such appeal or question should thereupon be put by such Secretary, and the result stand as the judgment of the Senate, was an infringement of the constitutional functions of the President of the Senate, but the chair ruled that the point of order was not well taken, and refused to permit the Senator from Marion to appeal from such decision to the Senate, and the Senator from Marion thereupon protested against such ruling and the refusal to allow the question to be divided.

The Senator from Wayne, Mr. Johnson, also protested against the character of the rules proposed to be adopted.

Such rules were thereupon adopted, as they appear upon the Journal of the Senate.

*Now, therefore,* We, the undersigned, members of the Senate of the Fifty-fifth Assembly of the State of Indiana, in order that the proceedings hereinbefore set out may not be taken as and for a precedent, having protested and do now protest against each and all such proceedings, for the following reasons:

*First.* We do protest against all actions of the said Alonzo G. Smith, as hereinbefore recited and set out, up to the passage of the resolution hereinbefore referred to, by which he was elected President of the Senate, for the reason that the said Smith was not properly and legally elected President pro tempore of the Fifty-fourth General Assembly as claimed by him, because, at the time of his said election the Lieutenant-Governor of the State of Indiana was neither acting as Governor nor absent from the Senate, but was then present in the Senate and presiding thereover, as shown by the journal of that body, and for the further reason that even if said Smith was properly and legally elected President pro tempore by the Senate of the Fifty-fourth General Assembly, said election could give him no right to organize or preside over the Senate of the Fifty-fifth General Assembly, because the Senate of the State of Indiana is not a continuing body, one-half of its entire membership going out of office on the day succeeding the day of the election at which their successors were elected, leaving no quorum of the Senate in existence at that time and putting an end to the term of office of all officers elected by such Senate.

*Second.* Because the Lieutenant-Governor not being present when the time arrived for the organization of the Senate, it was the duty of the Auditor of State, Honorable James H. Rice, to preside in the organization of the Senate of the Fifty-fifth General Assembly until a President pro tempore had been elected.

*Third:* Because said acts and proceedings of said Smith were unlawful and a breach of the rights and privileges of the Senate and the members thereof, and in violation of parliamentary law and usage.

*Fourth.* As to the proceedings upon the adoption of the preamble and resolution offered by the Senator from Posey and Gibson, by which said Smith was recognized as the President of the Senate of the State of Indiana, because (first) such proceedings as to the refusal to permit the question upon the adoption of the preamble and resolution to be divided and the

vote taken separately upon the preamble and resolution, was a violation of parliamentary law; (second) because, as to the recognition contained in said resolution of the facts stated in the preamble thereof, that said Smith had been elected President *pro tempore* of the Senate of the Fifty-fourth General Assembly, it was not true in law, as said Smith, as hereinbefore stated, was not legally elected President of said Senate, and, moreover, even if he had been legally so elected, such election could give him no right or color of right to act as President *pro tempore* of the Senate of the Fifty-fifth General Assembly, and therefore no recognition of such right should have been made.

*Fifth.* As to the proceedings hereinbefore set out upon the adoption of the rules for the government of the Senate, because (first) the refusal to allow a division of the question so that a vote might be taken upon each rule separately and denying the right of appeal from such refusal, was in violation of parliamentary law and usage; (second), such of said rules as provide that an appeal may be taken from the decision of the President as to which of two Senators is entitled to the floor, and that upon the refusal of the President of the Senate to put such appeal or any other question to the Senate, any two Senators may require the Secretary to put such question or appeal to the Senate, and thereupon that the Secretary shall put such question or appeal; and an infringement of the constitutional functions of the President of the Senate (third), because the rule by which a less number of Senators than twenty-one with the President, or twenty-two in his absence, are attempted to be deprived of the power to meet, adjourn from day to day, and compel the attendance of absent Senators, is in violation of the constitution, and as applied to the present Senate would deprive the political minority of any power to compel the attendance of the political majority, who, in themselves, are less than a quorum, and thus put it in the power of such majority to dissolve the Senate at their pleasure by simply absenting themselves therefrom; (fourth), that the effect of such rules, as a whole, is to crush and destroy the minority, and prevent it

from operating as any check or restraint on the actions of the majority, and we respectfully ask that this our protest be entered upon the journal of the Senate.

F. WINTER,  
HENRY U. JOHNSON,  
MARK L. DEMOTTE,  
B. F. HARNESS,  
JAMES S. DRAKE,  
C. C. DUNCAN,  
W. J. DAVIS,  
NICHOLAS ENSLEY,  
J. M. DRESSER,  
A. N. KENNEDY,  
SIMON P. THOMPSON,  
A. R. SHROYER,  
JOHN W. MACY,  
WILLIAM M. McDONALD,  
L. M. CAMPBELL,  
JAMES N. HUSTON,  
GEORGE MOON,  
ANDREW MARSHALL,  
ROBERT B. SEARS.

Senator Davis, as chairman of the special Committee on Senate Bill No. 21, made the following report :

MR. PRESIDENT :

The undersigned, the special committee to whom was referred Senate Bill No. 21, the same being a bill for an act to legalize the incorporation of the town of Middlebury, Elkhart County, State of Indiana, respectfully report that we have given the bill careful consideration and recommend that the same do pass.

W. J. DAVIS,  
D. C. BRYANT,  
W. D. THOMPSON,  
Special Committee.

The report was concurred in.

Senator Davis moved that the constitutional rule be suspended and that Senate Bill No. 21 be read a first and second time by title, considered engrossed, read a third time by sections, and that it be put upon its passage.

The ayes and noes being ordered and taken, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Bryant, Campbell, Cox, Davis, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, Griffith, Hale, Harness, Howard of Decatur, Howard of St. Joseph, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald of Whitley, McDonald of Jackson, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Winter, Weir, Zimmerman and Mr. President. Total, 46.

There was no Senator who voted in the negative, so the constitutional rule was suspended.

Engrossed House Bill No. 21 was read a first and second time by title, and third time by sections, and put upon its passage.

The ayes and noes being ordered and taken, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Bryant, Campbell, Cox, Davis, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, French, Griffith, Hale, Harness, Howard of Decatur, Howard of St. Joseph, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald of Whitley, McDonald of Jackson, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sellers, Smith of Wells, Thompson of Jasper, Tharp, Trippet, Urmston, Winter, Weir, Zimmerman. Total, 48.

There was no Senator voted in the negative.

So the bill passed.

The title was adopted as read.

Senator Howard of St. Joseph introduced Senate Bill No. 35, entitled :

An act to amend section sixty-two (62) of an act entitled "an act providing for the election and qualification of Justices of the Peace and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852, the same being section one thousand four hundred and ninety-three (1493) of the Revised Statutes of 1881.

Read a first time and referred to Committee on Judiciary.

The following message was received from the House :

*To the President of the Senate :*

I am instructed to inform the Senate that the House of Representatives has passed House Bill No. 14, entitled : "An act concerning corporations, companies, associations, firms and persons engaged in mining or manufacturing in this State to pay their employes weekly in lawful money, regulating the sale of merchandise by employer to employe, and providing penalties."

Which bill is now hereby transmitted.

W. H. SMITH,  
Principal Clerk House Representatives.

Senator Smith, from the Committee on Phraseology, on House Bill No. 6, reported as follows :

You Committee on Phraseology would respectfully submit the following report on House Bill No. 6, to-wit : That the title to said bill be adopted as read and passed by the Senate.

J. H. C. SMITH,  
Chairman.

Concurred in.

Senator Bailey moved that House Bill No. 14 be read a first time and referred to the Committee on Labor and Labor Statistics.

Motion carried.

Senator Barrett introduced Senate Bill No. 36, entitled :

An act to authorize cities and towns to issue bonds for the purpose of funding their indebtedness, reducing the rate of interest on pre-existing obligations, compromising with creditors, etc.

Read a first time and referred to Committee on Cities and Towns.

Senator Davis introduced Senate Bill No. 37, entitled :

An act amendatory of an act in relation to the incorporation of railroad companies.

Read a first time and referred to Committee on Cities and Towns.

Senator Dresser introduced Senate Bill No. 38, entitled :

An act to provide for the incorporation of Orphan Asylums for Indigent Females, defining their rights, powers and duties, and authorizing the granting of county aid thereto.

Read a first time and referred to Committee on Judiciary.

Senator Fowler introduced Senate Bill No. 39, entitled :

A act to amend Section two (2) of an act entitled "An act in relation to County Auditors," approved May 3, 1852, the same being section 5894 of the Revised Statutes of 1881, and declaring an emergency.

Read a first time and referred to Committee on Judiciary.

Senator Hale introduced Senate Bill No. 40, entitled :

An act to provide for the control and management of the Indiana State Library, and matters connected therewith.

Read a first time and referred to Committee on Education.

Senator Harness introduced Senate Bill No. 41, entitled :

An act to amend section one (1) of an act entitled "An act to amend section eighteen of an act entitled an act regulating descents and apportionment of estates, approved May 14, 1852, approved March 29, 1879, the same being section 2484 of the Revised Statutes of 1881.

Read a first time and referred to Committee on Judiciary.



Senator Huston introduced Senate Bill No. 42, entitled :

An act to amend section two hundred and one (201) of an act entitled "An act concerning public offenses and their punishment," approved April 14, 1881, being section 2109 of the Revised Statutes of 1881; also to amend section one (1) of an act entitled "An act to amend section two hundred (200) of an act entitled 'An act concerning public offenses and their punishment,' " approved April 14, 1881, the same being numbered section 2108 of the Revised Statutes of 1881, and declaring an emergency, approved March 25, 1885; also to prohibit the killing of rabbits with ferrets, and declaring an emergency.

Which was read a first time and referred to the Committee on Federal Relations.

Senator Bailey introduced Senate Bill No. 43, entitled :

An act to repeal an act entitled "an act to amend section 1 of an act entitled an act to provide for the security and payment of laboring men and mechanics," approved March 29, 1879 (being Section 5206 of the Revised Statutes of 1881), approved March 17, 1875, declaring an emergency.

Read a first time and referred to Committee on Labor and Labor Statistics.

Senator Macy introduced Senate Bill No. 44, entitled :

An act to enable joint suits to be maintained upon several bonds of public officers and others.

Read a first time and referred to Committee on Judiciary.

Senator Moon introduced Senate Bill No. 45, entitled :

An act to legalize the incorporation of the town of Pierceton, Kosciusko County, Indiana, and to legalize its official acts, etc.

Read a first time and referred to Committee on Cities and Towns.

Senator Peterson introduced Senate Bill No. 46, entitled :

A bill for an act to amend Section 1 of an act approved March 6, 1883, entitled "an act to amend Sections 1 and 3 of an act entitled 'an act to provide for the repair of free turnpike

roads in the various counties of Indiana, and constituting the Board of Commissioners of any county in this State a Board of Directors of such roads,' " approved March 24, 1879, being Sections 5104 and 5106 of the Revised Statutes of 1881.

Read a first time and referred to the Committee on Roads.

Senator Rahm introduced Senate Bill No. 47, entitled :

An act for an act providing for the completion, equipment and furnishing of the three additional hospitals for the insane, and declaring an emergency.

Read a first time and referred to committee on Public Buildings.

Senator Schloss introduced Senate Bill No. 48, entitled :

An act prescribing the powers and duties of Coroners, and repealing all laws conflicting therewith.

Read a first time and referred to Committee on Judiciary.

Senator Sears introduced Senate Bill No. 49, entitled :

An act to amend Sections 5950 and 5959 of the Revised Statutes of 1881, and other matters connected therewith, and declaring an emergency.

Read a first time and referred to Committee on Mines and Mining.

Senator Thompson of Jasper introduced Senate Bill No. 50, entitled :

A bill to amend section 186 of an act entitled an act concerning public offenses and their punishment; approved April 14, 1881, and being section 2093 of the Revised Statutes of 1881.

Which was read a first time and referred to the Committee on Judiciary.

Senator Thompson of Jasper introduced Senate Bill No. 51, entitled :

A bill for an act to amend section 1 of an act entitled an act prescribing certain duties of telegraph and telephone companies; approved April 8, 1885, and declaring an emergency.

Which was read a first time and referred to the Committee on Judiciary.

Senator Trippet introduced Senate Bill No. 52, entitled :

An act to legalize the acts of the Board of Trustees of the town of Huntingburg, Indiana.

Read a first time and referred to Committee on Cities and Towns.

Senator Urmston introduced Senate Bill No. 53, entitled :

An act to legalize the records and action of the Board of Commissioners of Ripley County, Indiana, in relation to the construction of the Versailles and Dillsborough free gravel road ; to legalize the assessments made against certain real estate, bonds issued, and all acts in relation thereto, and declaring an emergency.

Read first time and referred to Committee on County and Township Affairs.

Senator Winter introduced Senate Bill No. 54, entitled :

An act authorizing railroad corporations not organized under an act of the Legislature of this State entitled: An act to provide for the incorporation of railroad companies; approved May 11, 1852, to accept the provisions of said act touching the condemnation of real estate.

Which was read a first time and referred to the Committee on Judiciary.

Senator Zimmerman introduced Senate Bill No. 55, entitled :

An act to provide for compiling, copyrighting, printing, binding and distributing a State series of school books, etc.

Read a first time and referred to Committee on Education.

Senator Bailey introduced Senate Bill No. 56, entitled :

An act regulating the banking of the State, and declaring an emergency.

Read a first time and referred to Committee on Banks and Banking.

Senator Barrett introduced Senate Bill No. 57, entitled :

A bill for an act prohibiting the obstruction of ditches or drains and providing a method for keeping them in repair, and providing a penalty for the violation thereof.

Read a first time and referred to Committee on Dykes and Drains.

Senator Sellers, of the Judiciary Committee, offered the following report :

MR. PRESIDENT :

The undersigned chairman of your Committee on Judiciary begs leave to report that he has appointed J. H. Cartwright, of Carroll County, Indiana, clerk of said committee.

E. B. SELLERS,  
Chairman.

Senator Trippet offered the following report :

GENERAL ASSEMBLY OF THE STATE OF INDIANA, }  
SENATE CHAMBER, INDIANAPOLIS, Jan. 11, 1887. }

We, the undersigned, chairmen of a majority of the committees of the Senate in Group No. 1, which group is composed of the following named committees, viz.: Committee on Organization of Courts, Committee on Banks, Committee on Fees and Salaries, Committee on Corporations, Committee on Insurance, do hereby appoint Joseph P. Rice clerk of said group of committees, as we are authorized and empowered to do under the statutes.

OSCAR A. TRIPPET,  
Chairman Committee on Organization of Courts.

V. ZIMMERMAN,  
Chairman of Committee on Banks.

PHILIP SCHLOSS,  
Chairman of Committee on Fees and Salaries.

H. M. LOGSDON,  
Chairman of Committee on Corporations.

J. F. COX,  
Chairman of Committee on Insurance.

Senator Bailey offered the following report :

We recommend and indorse Joseph D. Youart for Clerk of the third group of committees, of which the undersigned are the several chairmen :

LEON O. BAILEY,

Chairman Committee on Elections.

W. W. BERRY,

Chairman Committee on Agriculture.

S. E. URMSTON,

Chairman Committee on Public Printing.

— . — . ————,

Chairman Committee on Public Buildings.

— . — . ————,

Chairman Committee on Military Affairs.

J. M. ANDREW,

Chairman Committee on Temperance.

D. W. C. BRYANT,

Chairman Committee on City and Township Business.

J. S. SHIVELY,

Chairman Committee on Public Health.

C. K. THARP,

Chairman Committee on Mines and Mining.

L. P. M'LLINIX,

Chairman Committee on Congressional Apportionment.

F. M. GRIFFITH,

Chairman Committee on Legislative Apportionment.

W. C. THOMPSON,

Chairman Committee on Cities and Towns.

F. M. HOWARD,

Chairman Committee on Executive Appointments.

LEON O. BAILEY,

Chairman Committee on Labor and Labor Statistics.

SILAS PETERSON,

Chairman Committee on Roads.

J. H. C. SMITH,

Chairman Committee on Phraseology of Bills.

T. E. HOWARD,

Chairman Committee on Swamp Lands.

JAMES M. BARRETT,

Chairman Committee on Prisons.

Senator Griffith introduced a petition from Ben North Post, containing resolutions, etc., and signed by Wm. H. Smith, Adjutant, Ben North Post.

The petition was referred to the Committee on Military Affairs without reading.

Senator Fowler introduced Senate Bill No. 58, entitled :

An act to prohibit county auditors from issuing county orders without an order having first been made by the Board of County Commissioners, and prescribing penalties for the violation thereof.

Read a first time and referred to Committee on Judiciary.

Senator Macy introduced Senate Bill No. 59, entitled :

An act for an act to amend section one of an act relating to County, State and other officers, and the payment by them to their successors in office of all money in their hands at the expiration of their terms of office, and providing penalties for failure to do so, approved March 5, 1883.

Read a first time and referred to Committee on Judiciary.

Senator Peterson introduced Senate Bill No. 60, entitled :

An act to provide for the superintendency of the work of repairs on the several free turnpike roads in the various counties in the State of Indiana.

Read a first time and referred to Committee on Roads.

Senator Rahm introduced Senate Bill No. 61, entitled :

A bill for an act providing for the support of the three additional Hospitals for Insane, including clothing, repairs and minor improvements, and declaring an emergency.

Read a first time and referred to Committee on Benevolent Institutions.

Senator Schloss introduced Senate Bill No. 62, entitled :

An act providing for the inspection of steam boilers, the appointment of a steam boiler inspector, the licensing of engineers in charge of steam boilers, and the creation of a Board of Engineers.

Read a first time and referred to Committee on Labor and Labor Statistics.

Senator Shroyer introduced Senate Bill No. 63, entitled :

An act for an act to repeal section 80 of an act entitled an act concerning public offenses, approved April 14, 1881, and being section 1988 of the Revised Statutes of 1881.

. Read a first time and referred to Committee on Judiciary.

Senator S. P. Thompson introduced Senate Bill No. 64, entitled :

A bill for an act to amend sections 9 and 12 of an act entitled an act concerning highways and supervisors thereof, approved March 2, 1883.

Read a first time and referred to Committee on Roads.

Senator Trippet introduced a petition signed by E. R. Benedict.

The petition was referred to the Committee on Education, without reading.

Senator Tharp introduced Senate Bill No. 65, entitled :

An act to amend section 1 of an act in regard to payment of employes of companies, corporations, individuals and associations doing business or employing labor in this State, approved March 3, 1885.

Read a first time and referred to Committee on Corporations.

Senator Zimmerman introduced Senate Bill No. 66, entitled :

An act for the more effectual protection of policy holders in fire insurance companies.

Read a first time and referred to Committee on Insurance.

On motion of Senator French the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary of the Senate.

## THURSDAY MORNING.

JANUARY 13, 1887.

The Senate met in regular session at 10 o'clock, Hon. A. G. Smith, President of the Senate, in the Chair.

Opened with prayer by the Rev. Dr. Bradley, of Christ (Episcopal) Church, Indianapolis.

The reading of the Journal was being proceeded with when, on motion of Senator Zimmerman, its further reading was dispensed with.

The following communication was read by the Clerk:

INDIANAPOLIS, January 12, 1887.

*To the Members of the Senate of the State of Indiana:*

GENTLEMEN—At a meeting of the vestry of St. Paul's Episcopal Church, the following resolution was adopted:

*Resolved*, That during the present session of the Legislature comfortable pews be set apart for the use of the officers and members, and that they be cordially invited to make use of the same at their pleasure.

Yours truly,

W. F. MULLEN, Secretary.

On motion of Senator Weir the communication was ordered spread of record on the Journal.

Senator McDonald of Whitley offered the following resolution and moved its adoption:

*Resolved*, That the Chairman of the Committee on Elections be and is hereby authorized to secure and employ a clerk for said committee, which clerk shall also be and act as clerk of the Committee on Labor and Labor Statistics, and to perform such other clerical duties as may be required by the Senate committees.

The resolution was adopted.



Senator Duncan of Brown presented the following communication, which was accepted and ordered spread upon the records :

BLOOMINGTON, IND., Jan. 12, 1887.

*Hon. W. C. Duncan :*

MY DEAR SIR—In behalf of the faculty and the trustees of the Indiana University, I hereby extend to the Educational Committee of the Senate a cordial invitation to visit the University at the earliest convenience of the committee.

Very respectfully yours,

DAVID S. JORDON.

The communication was ordered spread of record on the Journal.

Senator Griffith offered Resolution No. 27 as follows, and moved its adoption :

*Resolved*, That the Committee on Elections be and they are hereby authorized to appoint a sub-committee of three, with full power to send for persons and papers, and to proceed to such place or places as may be necessary, to take testimony in the pending contested election cases.

Adopted.

Senator Bailey offered Resolution No. 28, and moved its adoption :

*Resolved*, That Frank Pritchett, Doorkeeper of this Senate, be and is hereby authorized to employ fifteen assistants in addition to the number already allowed him by Statute, and that two of that number shall be colored men.

Senator Winter offered the following amendment :

I move to amend by inserting in the proper place the following : "all of whom shall be honorably discharged Union soldiers of the late war."

F. WINTER,  
Of Marion.

The amendment was accepted.

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Dresser, Duncan of Brown, Fowler, French, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald of Whitley, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman, Mr. President. Total, 33.

Those voting in the negative were:

Senators Campbell, Davis, DeMotte, Drake, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald of Jackson, Thompson of Jasper and Winter. Total, 15.

So the resolution was adopted.

Senator Davis offered the following protest:

MR. PRESIDENT:

I hereby protest against the action of this Senate in authorizing the employment of fifteen Assistant Doorkeepers of this body, for the following reasons: First, that such employment of Assistant Doorkeepers is for a greater number than is provided by Section 4970 of the Revised Statutes of Indiana. Second, such employment of Assistant Doorkeepers necessitates an unauthorized and useless expenditure of the public money.

I desire my protest spread upon the journal of the Senate.

W. J. DAVIS.

We join in the above protest:

L. M. CAMPBELL.  
NICHOLAS ENSLEY.  
A. M. KENNEDY.  
J. N. HUSTON.  
SIMON P. THOMPSON.  
C. C. DUNCAN.  
B. F. HARNESS.

The protest was ordered spread of record on the journal.

Senator Dresser offered Joint Resolution No. 3, as follows, and moved its adoption:

WHEREAS, General John A. Logan was one of the most distinguished volunteer soldiers in the late war for the preservation of the Union, and rendered signal service to the Republic both in war and in peace ; therefore,

*Resolved by the General Assembly of the State of Indiana, That* our Senators be instructed and our Representatives be requested to support and do all that they honorably can to secure the passage of the bill now pending in Congress to grant a pension to the widow of John A. Logan.

*Resolved, That* the Secretary of the Senate be hereby instructed to forward to each of the Senators and Representatives a copy of this resolution.

The resolution was read a first time and adopted.

The following message was received from the House :

INDIANAPOLIS, IND., Jan. 13, 1887.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed Engrossed House Bill No. 19, a bill appropriating \$125,000 for legislative expenses ; also, House Bill No. 42, a bill to fix the time for holding court in the Forty-first Judicial Circuit ; also, Engrossed House Bill No. 46, a bill to legalize the incorporation of Bunker Hill, and the same are herewith transmitted to the Senate.

W. H. SMITH,  
Principal Clerk.

Senator French moved that House Bill No. 19 be read a first time and referred to Committee on Finance.

The motion carried.

Senator Bailey introduced Senate Bill No. 67, entitled :

An act fixing compensation of certain county and township officers.

Read a first time and referred to Committee on County and Township Business.

Senator Barrett introduced Senate Bill No. 68, entitled :

A bill for an act to maintain political purity, and prescribing the punishment for any violation thereof, which was read a first time and referred to the Committee on Judiciary.

Senator Davis introduced Senate Bill No. 70, entitled:

A bill for an act in relation to allowances in State prosecutions.

Read a first time and referred to Committee on Judiciary.

Senator Campbell introduced Senate Bill No. 69, entitled:

A bill for an act fixing the order of the payment of the debts and liabilities of a decedent, when the estate is insolvent.

Read a first time and referred to the Committee on Judiciary.

Senator Dresser introduced Senate Bill No. 71, entitled:

A bill for an act regulating travel on free turnpikes, gravel and macadamized roads, and providing penalties for the violation of this act.

Read a first time and referred to Committee on Roads.

Senator Griffith introduced Senate Bill No. 72, entitled:

An act to fix the time of holding courts in the Fifth Judicial Circuit.

He moved that the constitutional rule be suspended, the bill read a first and second time by title, a third time by sections, considered engrossed and put upon its passage.

The ayes and noes were ordered and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Campbell, Cox, Davis, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Fowler, French, Griffith, Harness, Howard of Decatur, Howard of St. Joseph, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald of Whitley, McDonald of Jackson, Moon, Mullinix, Peterson, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Trippet, Urmston, Winter, Zimmerman, Mr. President. Total, 46.

None voting in the negative.

So the constitutional rule was suspended.

The bill was read a first and second time by title, considered engrossed, read a third time by sections, and put upon its passage.

The ayes and noes were ordered and taken, and resulted as follows:

Those voting in the affirmative on the passage of Senate Bill No. 72 were:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Campbell, Davis, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, French, Griffith, Harness, Howard of Decatur, Howard of St. Joseph, Johnson, Kennedy, Macy, Marshall, McClure, McDonald of Whitley, McDonald of Jackson, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Trippet, Urmston, Winter, Zimmerman, Mr. President. Total, 45.

Those voting in the negative, none.

So the bill passed.

The title as read was ordered to stand as the title of the bill.

Senator Johnson introduced Senate Bill No. 73, entitled:

An act encouraging the breeding of improved stock, etc.

Read a first time and referred to Committee on Agriculture.

Senator Howard of Decatur introduced Senate Bill No. 74, entitled:

A bill for the protection of fish, and providing penalties for the enforcement thereof.

Which was read a first time and referred to the Committee on Federal Relations.

Senator Logsdon introduced Senate Bill No. 75, entitled:

A bill for the relief of Rasselas Jones.

Read first time and referred to Committee on Claims.

Senator Shroyer introduced Senate Bill No. 76, entitled:

A bill for an act authorizing the purchase of ten acres of land for the use of the Hospital for the Insane, near Logansport, in Cass County, and declaring an emergency.

Read a first time and referred to Committee on Benevolent Institutions.

Senator Thompson of Jasper introduced Senate Bill No. 77, entitled:

A bill for an act in relation to lands in Newton County, Indiana, included within the meander line of Beaver Lake and in relation to the title to said lands and the sale thereof.

Read first time and referred to Committee on Swamp Lands.

Senator Tharp asked that Senate Bill No. 33 be withdrawn from the Committee on Labor and Labor Statistics and be referred to the Committee on Mines and Mining.

Granted.

Senator Zimmerman introduced Senate Bill No. 78, entitled:

An act for the protection and preservation of hares and rabbits.

Read a first time and referred to the Committee on Agriculture.

Senator Fowler introduced Senate Bill No. 79, entitled:

An act regulating the transporting of passengers and freight by railroad companies, providing for the appointment of a railroad commissioner and a clerk for such commissioner, defining their duties and requiring certain duties to be performed by railroad companies, their agents and servants, relative to the building and equipping of railroads, transporting passengers and freight, and matters incident thereto and properly connected with the business of railroading, and repealing all laws and parts of laws in conflict with the provisions of this act.

Read first time and referred to Committee on Railroads.

Senator Bailey introduced Senate Bill No. 80, entitled:

A bill to prohibit the manufacture or sale of oleomargarine or any other compound in imitation of butter or cheese, and repealing all laws or parts of laws in conflict therewith, and declaring an emergency.

The bill was read a first time and referred to the Committee on Public Health.

Senator Dresser introduced Senate Bill No. 81, entitled :

An act to repeal section 1 of an act entitled an act to amend the eleventh section of an act entitled an act to provide a treasury system for the State of Indiana for the manner of receiving, holding and distributing the public moneys of the State, and for the safe keeping of public moneys, passed March 1, 1859, being section 5642 of the Revised Statutes.

Read a first time and referred to Committee on Judiciary.

Senator Fowler introduced Senate Bill No. 82, entitled :

An act to prevent exorbitant charges for and unjust discrimination of transportation of freight by railroad companies and other common carriers, and to provide a remedy when such exorbitant charges or unjust discriminations are practiced.

Which was read a first time and referred to Committee on Railroads.

Senator Griffith introduced Senate Bill No. 83, entitled :

A bill for an act to amend section 8 of an act entitled an act to amend an act entitled an act to provide for a general system of common schools, the officers thereof and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865, and adding supplemental sections thereto, approved March 8, 1873, being section 4369 of the Revised Statutes of 1881, and declaring an emergency for the immediate taking effect of this act.

Which was read a first time and referred to Committee on Education.

Senator McDonald of Whitley introduced Senate Bill 84, entitled :

An act to amend section 35 of an act entitled an act concerning proceedings in civil cases, approved April 7, 1881, the same being numbered 312 of the Revised Statutes of 1881.

The bill was read a first time and referred to the Committee on Judiciary.

On motion of Senator Fowler the Senate adjourned.

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### AFTERNOON SESSION.

JANUARY 13, 1887.

The Senate met pursuant to adjournment, Hon. A. G. Smith, President of the Senate, in the chair.

Senator Sellers introduced the following resolution, and moved its adoption :

*Resolved*, That the doorkeeper be and is hereby instructed to prepare room 75 in this State House for the use of the Committee on Judiciary.

The resolution was adopted.

Senator Bailey introduced Senate Bill No. 85, entitled :

An act to amend Section 8 of an act to enable incorporated towns to lay out, gravel, etc., streets, approved April 27, 1869, being Section 3364, Revised Statutes 1881.

Read a first time and referred to Committee on Cities.

Senator Bailey offered the following resolution, and moved its adoption :

*Resolved*, That the President of this Senate appoint a committee of five (5) who shall act as a committee on the City of Indianapolis.

Adopted.

Senators Thompson of Marion, Bailey, Winter, Barrett and Rahm were appointed as such committee.



Senator Fowler introduced the following resolution, and moved its adoption :

*Resolved*, That the State Superintendent of Public Instruction be and is hereby requested to furnish information to this Senate at his earliest convenience as to how much of the common school revenues of the State has been drawn from said fund and appropriated to the use and benefit of the State Normal School located at Terre Haute, Ind., under the acts of March 2, 1883, and whether or not any moneys belonging to the Common School Fund of the State have been appropriated to the use of said Normal School under any other act or acts of the General Assembly, and whether or not any of such revenues have been appropriated to any other institution or purpose other than the common schools of the State.

The resolution was adopted.

Senator S. P. Thompson of Jasper introduced Senate Bill No. 86, entitled :

A bill for an act to amend sections 312 and 313 of the Revised Statutes of 1881.

Read a first time and, upon motion of Senator Fowler, was referred to Committee on Judiciary.

Senator Zimmerman, by request, introduced Senate Bill No. 87, entitled :

An act for the prevention of fraud in the listing of personal property for taxation.

Which was read a first time and referred to the Committee on Railroads.

House Bill No. 42 was read a first and was referred to the Committee on Organization of Courts.

House Bill No. 46 was read a first time and referred to Committee on Judiciary.

The President of the Senate announced that he had signed Engrossed House Bill No. 6.

Senator Dresser presented a claim which was referred to the Committee on Claims without reading.

On motion of Senator Davis a recess was taken until 3 o'clock P. M.

The President called the Senate to order at 3 o'clock P. M.

Senator French, chairman of the Committee of Finance, presented the following report:

MR. PRESIDENT:

The Committee on Finance, to whom was referred House Bill No. 19, beg leave to report that they have had the same under careful consideration, and recommend the following amendment to section 3, just following the word "House" and just preceding the last sentence in said section, to-wit: "And outstanding and unpaid warrants issued to officers of the last Senate." And that when said bill be so amended it do pass.

Respectfully submitted,

J. W. FRENCH,  
Chairman.

Senator Sellers moved to strike out the amendment recommended by the Finance Committee.

Carried.

Senator Winter offered the following amendment to House Bill No. 19, as follows, and moved its adoption:

*Provided*, That no allowance or payment out of the appropriation hereby made shall be made by resolution passed during the last three days of the session.

The amendment was adopted.

Senator Sellers moved to suspend the constitutional rule and that the bill be read a second time by title, considered engrossed, and read a third time by sections and put upon its passage.

The ayes and noes were ordered and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Berry, Bryant, Campbell, Cox, Davis, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Dun-

can of Brown, Ensley, Fowler, Hale, Harness, Howard of Decatur, Howard of St. Joseph, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald of Whitley, McDonald of Jackson, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Urmston, Winter, Weir, Zimmerman, Mr. President. Total, 44.

Those voting in the negative, none.

So the constitutional rule was suspended.

The bill was read a second time by title and considered as engrossed, and read a third time by sections and put upon its passage.

The ayes and noes were ordered, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Bryant, Campbell, Cox, Davis, Day, DeMotte, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, French, Griffith, Hale, Harness, Howard of Decatur, Howard of St. Joseph, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald of Whitley, McDonald of Jackson, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Trippet, Urmston, Winter, Weir, Zimmerman, Mr. President. Total, 47.

Those voting in the negative, none.

So the bill passed.

The title was read and ordered to stand as the title of the bill.

On motion on Senator Schloss the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

## FRIDAY MORNING.

JANUARY 14, 1887.

The Senate met in regular session at 10 o'clock A. M., Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by the Rev. Dr. Gilbert, of Meridian Street Church, Indianapolis.

The reading of the Journal was being proceeded with when, on motion of Senator French, its further reading was dispensed with.

The following communication was read and ordered spread upon the record :

*To the Honorable, the President and Members  
of the Senate of the Indiana General Assembly:*

GENTLEMEN—Your polite invitation to the clergy to open your sessions with prayer was taken, not as a personal compliment, but as a recognition of the Christian religion, and a confession of your dependence upon Almighty God. It is, therefore, assumed that this communication will not be regarded by you as discourteous or improper.

On Sunday morning next, the 16th inst., at the usual hour of Divine worship, I shall speak in Meridian-Street M. E. Church, this city, upon the subject, "Christian Interest in Our State Legislature."

I have no right to expect, certainly I would not presume to ask, that you attend in a body, but if any of your members should honor me with a hearing, seats will be cheerfully provided, and such attention paid to your comfort as is due to your rank and station.

In making this announcement I am actuated only by those motives which ought to govern every true minister of Christ, and I desire to be considered, not only as your fellow-citizen, but as your servant, for His sake.

Respectfully yours,

JAMES E. GILBERT,  
Pastor Meridian-Street M. E. Church.

INDIANAPOLIS, January 14, 1887.

Senator Bailey presented the following report, which was ordered spread on the Journal :

MR. PRESIDENT :

The Chairman of the Committee on Elections respectfully reports that he has selected Miss Emma Salter to act as Clerk of said committee and that upon Labor and Labor Statistics, and that Edward Wells will act as Sergeant-at-Arms of said committees.

It is requested that the Doorkeeper set aside room 115 for the use of said committees.

LEON O. BAILEY,  
Chairman Com. on Elections and  
Labor and Labor Statistics.

Senator French offered Resolution No. 32, as follows :

*Resolved*, That the Finance Committee be and it is hereby authorized to employ a clerk for said committee.

The resolution was adopted.

Senator Bailey was granted a leave of absence until 2 o'clock p. m. to-day.

Senator Bryant, chairman of the Committee on County and Township Business, presented the following report on Senate Bill No. 53 :

MR. PRESIDENT :

Your committee to which was referred Senate Bill No. 53 have had the same under consideration, and report the same back with recommendation that it do pass.

D. C. BRYANT,  
Chairman Com. on Co. and Tp. Business.

Senator Winter presented a remonstrance and resolution, and asked that it be made a special order for 2 o'clock this afternoon.

It was so ordered.

Senate Bill No. 53 was read a second time, and the report on said bill was read, and the bill was ordered printed.

Senator Smith of Wells offered Resolution No. 34, and moved its adoption.

MR. PRESIDENT :

Believing that the several Senate standing committees can not act intelligently and efficiently without having access to the Revised Statutes of 1881, as well as the acts of the General Assembly of the State of Indiana for 1883 and 1885, and that each committee room should be supplied with said books; therefore, be it

*Resolved*, That the Doorkeeper of this Senate Chamber be and that he is hereby instructed to place on the table of each committee room one copy of the Revised Statutes of 1881 and one copy of the supplemental acts of 1883, and one copy of the acts of the General Assembly of the State of Indiana for 1885.

Adopted.

The following message was received from the House :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 67, to legalize the incorporation of the town of Shelburn.

Also,

Engrossed House bill No. 70 to legalize the incorporation of the City of Tipton.

Also,

Engrossed House bill No. 77, to legalize the incorporation of the town of Boswell.

And the same are herewith transmitted to the Senate.

W. H. SMITH,  
Clerk.

Senator Schloss moved to take up House Bill No. 67, entitled :

A bill for an act to legalize the incorporation of the town of Shelburn, in Sullivan County, Indiana; the election and quali-

fication of its Board of Trustees and other officers, and all the acts, orders, ordinances, by-laws and resolutions of the Board of Trustees of said town, and declaring an emergency.

Senator Schloss moved that the constitutional rule be suspended and the bill read a first and second time by title, considered engrossed, and read a third time by sections and put upon its passage.

The ayes and noes being ordered and taken resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Barrett, Berry, Bryaut, Campbell, Cox, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, Hale, Harness, Howard of St. Joseph, Johnson, Kennedy, Logsdon, Macy, McClure, Moon, Peterson, Rahm, Schloss, Shroyer, Sellers, Shively, Smith of Wells, Thompson of Jasper, Tharp, Trippet, Urmston, Winter, Weir, Zimmerman, Mr. President. Total, 39.

No one voting in the negative.

So the constitutional rule was suspended.

Engrossed House Bill No. 67 was read a first and second time by title, considered as engrossed, and read a third time by sections and put upon its passage.

The ayes and noes were ordered and taken and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Barrett, Berry, Bryant, Campbell, Cox, Davis, DeMotte, Drake, Dresser, Duncan of Brown, Ensley, Fowler, Hale, Harness, Johnson, Kennedy, Macy, McClure, McDonald of Whitley, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Trippet, Winter, Weir, Zimmerman, Mr. President. Total, 36.

No one voting in the negative.

So the bill passed.

The title to the bill as read was adopted as the title of the bill.

Senator Sellers introduced Senate Bill No. 88, entitled :

An act to amend section 9 of an act entitled an act to amend an act entitled, an act to provide for a general system of common schools, the officers thereof and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township libraries and to repeal all laws in conflict therewith, providing penalties therein prescribed, approved March 6, 1865, and adding supplemental sections thereto, approved March 8, 1873, being section 4520 of the Revised Statutes of 1881, and declaring an emergency.

Which was read a first time and was referred to the Committee on Education.

Senator Bryant introduced Senate Bill No. 89, entitled :

An act to protect the people of Indiana in the sale of poisons and the compounding of medicines by incompetent persons.

Which was read a first time and referred to the Committee on Public Health.

Senator Cox introduced Senate Bill No. 90, entitled :

An act to amend section 39 of an act entitled an act concerning the duties of County Superintendent, approved March 8, 1873, the same being section 4429 of the Revised Statutes of 1881.

Read first time and referred to Committee on Judiciary.

On motion of Senator Sellers the Senate adjourned.



## FRIDAY AFTERNOON.

JANUARY 14, 1887.

The Senate met pursuant to adjournment, Hon. A. G. Smith, President, in the chair.

The following message was received from the Governor :

STATE OF INDIANA,  
EXECUTIVE DEPARTMENT. }

*To the Honorable the President of the Senate :*

Pierre Gray, my Private Secretary, is authorized to make and transmit executive communications to the Senate.

ISAAC P. GRAY,  
Governor.

Senator Sellers offered the following report from the Committee on Judiciary on Senate Bill No. 54 :

MR. PRESIDENT :

Your Committee on Judiciary, to which was referred Senate Bill No. 54, having had the same under consideration, begs leave to recommend that the said bill do pass.

SELLERS,  
Chairman.

Senator Winter moved that the report of the committee be concurred in, and that the bill be read a second time and ordered engrossed.

The motion carried.

The bill was read a second time, and was ordered engrossed.

Two o'clock P. M. having arrived, the special order was called up. The protest was read, which was as follows :

*To the Honorable Senate of the State of Indiana :*

The remonstrance of the undersigned, members of the executive committee of the citizens' committee of one hundred, formed for the purpose of ferreting out and punishing the perpetrators of the tally sheet forgeries in this city at the late State

election, are greatly surprised this morning to be informed that John H. Counselman, one of said defendants in the judicial investigation now pending in this city, for participating in said forgeries, has been appointed to a position as one of the Doorkeepers of the Senate. We therefore most respectfully remonstrate against the said Counselman holding any position under any officer of the Senate while under charge of such a grave offense.

Very respectfully,

FRED. FAHNLEY,  
A. B. CONDUIT,  
E. F. RITTER,  
SILAS T. BOWEN,  
E. B. MARTINDALE,  
W. C. GRIFFITH,  
W. HENDERSON,  
LUCIUS B. SWIFT,  
A. L. WRIGHT,  
JOHN COBURN.

Senator Winter introduced a resolution which accompanied the foregoing protest, asking that John H. Counselman be dismissed as an assistant doorkeeper of the Senate.

Senator Sellers raised the point of order that the Senate had no right to control the appointments by the Doorkeeper.

The chair decided that the protest was in order, but that the resolution was out of order.

Senator Weir moved that the protest be referred to a special committee of five, and said committee were requested to report next Thursday morning.

The committee, as appointed, was composed of the following Senators :

[Committee not appointed.]

Senator Bailey was granted leave of absence for the rest of the afternoon.

Senator Johnson, of Wayne, introduced Senate Bill No. 91, entitled :

An act to amend section 1 of an act entitled an act to amend section 34, being section 4425 of the Revised Statutes of 1881, of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865, approved March 6, 1883.

Read first time and referred to Committee on Education.

The following message was received from the House :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has concurred in the Senate's engrossed amendments to Engrossed House Bill No. 19, appropriating \$125,000 for Legislative purposes.

W. H. SMITH,  
Clerk.

Senator Marshall introduced Senate Bill No. 92, entitled :

A bill for an act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic in this State.

Which was read a first time and referred to the Committee on Federal Relations.

Senator DeMotte introduced Senate Bill No. 93, entitled :

An act to amend section 8 of an act entitled an act to amend an act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, the same being section 4369 of the Revised Statutes of 1881.

Read a first time and referred to Committee on Education.

Senator French reported that he had appointed Mr. R. L. DePuy Clerk of the Committee on Finance.

On motion of Senator Davis the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

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## SATURDAY MORNING.

JANUARY 15, 1887.

The Senate met in regular session at 10 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by the Rev. Dr. Day, of the Baptist Church, of Indianapolis.

The reading of the Journal was being proceeded with, when, on motion of Senator Duncan of Brown, its further reading was dispensed with.

Senator Duncan of Tipton was granted a leave of absence until next Monday, and announced that he was paired with Senator Duncan of Brown.

Senator Sears introduced Senate Bill No. 94, entitled :

An act to amend Section 2 of an act entitled an act to amend the thirteenth and fourteenth sections of an act entitled an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases, approved March, 9, 1861, being Section 1442 of the Revised Statutes of 1881.

Read first time and referred to Committee on Judiciary.

Senator Mullinix introduced Senate Bill No. 95, entitled :

An act relating to proceedings in civil causes.

Read a first time and referred to Committee on Judiciary.

Senator Thompson of Marion asked that Senate Bill No. 9 be referred to the Committee on Public Buildings, as there was no committee on public grounds.

It was so referred.

Senator Thompson of Jasper introduced the following petition.

*To the General Assembly of the State of Indiana:*

Your petitioners respectfully represent that the fifth section of the act entitled "An act concerning liens of mechanics, laborers, and material men," in force March 6, 1883, is unjust in its operations, is impracticable, and, instead of protecting, injures the material men, sub-contractors, mechanics and laborers named in it. It enables contractors who may be dishonest and property owners to take advantage of them and rob them of their hard earnings and just dues, and gives the men who do the work and furnish the material no remedy.

We, therefore, pray the repeal of the said section.

[Signed,]

J. P. SMITH,  
E. H. DROLET,  
And others.

Which was referred to Committee on Judiciary.

The following message was received from the House:

MR. PRESIDENT:

I am directed to announce to the Senate that the Speaker of the House of Representatives has signed House Bill No. 19, "An act appropriating one hundred and twenty-five thousand dollars to defray the expenses of the Fifty-fifth General Assembly of Indiana," and the same is herewith transmitted.

W. H. SMITH,  
Clerk.

The President of the Senate appointed Senators Fowler and Davis a special committee to examine House Bill No. 19.

Senator Day presented the following report:

**MR. PRESIDENT:**

The following group of Senate committees have selected Mr. Chas. Stolzer, of Floyd County, as Clerk of said group:

WM. RAHM,  
Committee on Benevolent and Reformatory Institutions.

M. WEIR,  
Committee on Claims.

D. McCLURE,  
Committee on Federal Relations.

W. C. DUNCAN,  
Committee on Education.

J. T. DAY,  
Committee on Railroads.

INDIANAPOLIS, January 14, 1887.

Senator Thompson of Marion made the following report on Senate Bill No. 52:

**MR. PRESIDENT:**

Your committee to whom was referred Senate Bill No. 52 report that said committee has had said bill under consideration, and they recommend its passage.

W. C. THOMPSON,  
Chairman.

Senator Hale made the following report from the Committee on the Supervision and Inspection of the Journal.

**MR. PRESIDENT:**

Your Committee on the Supervision and Inspection of the Journal of the Senate beg leave to report that they have examined said Journal up to and including Friday, Jan. 14, 1887, and find the same correct.

The report of the committee was concurred in by the Senate.

Senator French presented the following resignation.

**MR. PRESIDENT:**

I hereby tender my resignation as chairman of the Committee on Public Buildings and State Library.

Respectfully, J. W. FRENCH.

JANUARY 15, 1887.

Accepted.

Senator Fowler, of the special Committee on House Bill No. 19, made the following report:

JANUARY 15, 1887.

MR. PRESIDENT:

We, the undersigned special committee to whom was referred Enrolled House Bill No. 19, have examined the same and report that we have found it correctly enrolled.

I. H. FOWLER,  
W. J. DAVIS.

Concurred in.

Senator Barrett introduced Senate Bill No. 96, entitled:

An act donating money to erect a monument to the memory of the late ex-Governor Samuel Bigger at Fort Wayne, Indiana.

Read a first time and referred to Committee on Finance.

Senator Davis introduced Senate Bill No. 97, entitled:

A bill for act in relation to the jurisdiction of Justices of the Peace, and regulating appeals therefrom and repealing laws in conflict therewith.

Read a first time and referred to Committee on County and Township Business.

Senator DeMotte introduced Senate Bill No. 98, entitled:

An act to prohibit the growing of hedges more than four feet high on or within twenty feet of the line of any public highway, and prescribing the powers and duties of Road Superintendent in relation thereto.

Read first time and referred to Committee on Roads.

Senator Duncan of Brown introduced Senate Bill No. 99, entitled:

A bill to regulate the rates of tolls to be charged on plank, macadamized, gravel roads and turnpikes.

Read first time and referred to Committee on Roads.

The President of the Senate announced that he had signed House Bill No. 19.

Senator Fowler introduced Senate Bill No. 100, entitled :

A bill for an act to amend section 638 of an act concerning proceedings in civil cases, approved April 7, 1881.

Read first time and referred to Committee on Judiciary.

The President of the Senate announced that he had appointed Senator Griffith Chairman of the Committee on Public Buildings, vice Senator French, resigned.

Senator Johnson introduced Senate Bill No. 101, entitled :

An act defining certain felonies, prescribing punishments therefor, and fixing the venue for the punishment thereof.

Read a first time and referred to Committee on Judiciary.

Senator Logsdon introduced Senate Bill No. 102, entitled :

An act legalizing the election of the Board of Trustees of the town of Rockport, Indiana, etc.

Read first time and referred to Committee on Judiciary.

Senator Macy introduced Senate Bill No. 103, entitled :

A bill for an act to amend sections 1 and 7 of an act entitled an act providing for the election and prescribing certain duties of the Clerk of the Supreme Court, approved May 13, 1852, and declaring an emergency.

Read a first time and referred to Committee on Judiciary.

Senator Shroyer introduced Senate Bill No. 104, entitled :

An act to amend an act entitled an act to incorporate the Mutual Life Insurance and Trust Company, approved February 15, 1839.

Read first time and referred to Committee on Corporations.

Senator Smith of Wells introduced Senate Bill No. 105, entitled :

A bill for an act allowing the compromise of certain delinquent taxes, releasing the land from the lien thereof, and declaring an emergency.

Which was read a first time and referred to the Committee on Judiciary.



Senator Thompson of Jasper introduced Senate Bill No. 106, entitled :

An act to amend Section 1781 of the Revised Statutes of 1881, being Section 206 of criminal procedure.

Read first time and referred to Committee on Judiciary.

Senator Urmston introduced Senate Bill No. 107, entitled :

An act to regulate the heating of railroad passenger cars, and prescribing a penalty.

Read a first time and referred to Committee on Railroads.

Senator Urmston made the following report on Senate Resolution No. 4 :

MR. PRESIDENT :

Your Committee on Public Printing has had under consideration Senate Resolution No. 4, and recommend that it do pass.

STEPHEN E. URMSTON,  
Chairman.

The report was concurred in.

Senator Fowler moved that Senate Resolution No. 4 be adopted.

The motion carried.

Senator McDonald of Whitley introduced Senate Bill No. 108, entitled :

A bill for an act to establish and maintain the Indiana School for Feeble-Minded Youths.

Read a first time and referred to Committee on Benevolent Institutions.

Senator Trippet moved that Senate Bill No. 52 be called up and that the constitutional rule be suspended, that the bill be read a second time by title, considered engrossed, read a third time by sections and put upon its passage.

The ayes and noes being ordered and taken, resulted as follows:

Those voting in the affirmative were :

Senators Andrew, Barrett, Berry, Bryant, Cox, Davis, Day, DeMotte, Drake, Duncan of Brown, Ensley, Fowler, Hale, Harness, Howard of St. Joseph, Huston, Johnson, Logsdon, Macy, Marshall, McClure, McDonald of Whitley, Mullinix, Peterson, Shroyer, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, Mr. President. Total, 34.

Those voting in the negative, none.

So the constitutional rule was suspended.

Engrossed Senate Bill No. 52 was read a second time by title, considered as engrossed, read a third time by sections and put upon its passage.

The ayes and noes were ordered and taken, and resulted as follows:

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Briant, Cox, Davis, Day, DeMotte, Drake, Duncan of Brown, Ensley, Fowler, Hale, Harness, Howard of St. Joseph, Huston, Logsdon, Macy, Marshall, McClure, McDonald of Whitley, Mullinix, Peterson, Shroyer, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Winter, Zimmerman, and Mr. President. Total, 34.

Those voting in the negative, none.

So the bill passed.

The title as read was adopted as the title of the bill.

The following message was received from the House :

**MR. PRESIDENT :**

I am directed by the Speaker of the House to inform the Senate that the Speaker has appointed Representatives Osborn, Gardiner and Kellison as a committee on the part of the House to act with a like committee on the part of the Senate to prepare joint rules for the government of the two houses.

W. H. SMITH,  
Clerk.

Senator Sellers offered the following resolution, No. 36, and moved its adoption :

*Resolved*, That the pay of the extra employes of the officers of the Senate, whose employment has been authorized by resolution, shall begin at the time their services actually began.

Adopted.

Senator Winter called up Senate Bill No. 54.

It was read a third time and put upon its passage.

The ayes and noes being ordered and taken, resulted as follows:

Those voting in the affirmative were :

Senators Andrew, Barrett, Berry, Bryant, Cox, Davis, Day, DeMotte, Drake, Dresser, Ensley, Fowler, French, Griffith, Hale, Harness, Howard of Decatur, Howard of St. Joseph, Huston, Johnson, Macy, McClure, McDonald of Whitley, McDonald of Jackson, Moon, Mullinix, Peterson, Shroyer, Sears, Sellers, Shively, Thompson of Marion, Trippet, Urmston, Winter, Mr. President. Total, 36.

Those voting in the negative were :

Senators Logsdon, McClure, Smith of Wells, Zimmerman. Total, 4.

So the bill passed.

The title as read was adopted as the title of the bill.

The following message was received from the House :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bill No. 21, and the same is herewith transmitted.

W. H. SMITH,

Clerk.

Senator Sellers moved that when the Senate adjourn it adjourn until 11 o'clock A. M., on next Monday.

Motion carried.

Senator Sellers introduced Senate Resolution No. 37, as follows:

*Resolved*, That the Doorkeeper be, and is hereby, authorized to purchase for his use in the Senate Chamber, one carpet-sweeper, three buckets and two gallons of oil.      SELLERS.

Resolution was adopted.

On motion of Senator Bryant the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

## MONDAY MORNING.

JANUARY 17, 1887.

The Senate met in regular session at 11 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by the Rev. R. V. Hunter, of the Presbyterian Church, Indianapolis.

The reading of the Journal was being proceeded with when, on motion of Senator Smith of Wells, its further reading was dispensed with.

A communication was received from the Auditor of State on House Bill No. 19, reciting that extra employes could not be paid under the provisions of said bill.

J. O. Beard and J. W. Loucks presented the following communication from Geo. H. Chapman Post 209, Grand Army of the Republic.

*To Hon. A. G. Smith, President of the Senate:*

SIR—At a regular meeting of the Geo. H. Chapman Post, G. A. R., held in their hall Saturday evening, Jan. 15, 1887, a vote of thanks was unanimously tendered to the Indiana State Senate and House of Representatives for the appointing of soldiers to positions under resolution adopted by each of said houses.

A message was received from the House on Senate Bill No. 12, as follows:

MR. PRESIDENT:

I am instructed by the House to notify the Senate that the House has passed Engrossed Senate Bill No. 72, a bill to fix the time of holding court in the Fifth Judicial Circuit, and the same is herewith transmitted.

W. H. SMITH,  
Principal Clerk.

Senator Fowler offered Joint Resolution No. 2, as follows:

A joint resolution to amend Section 2 of Article VII, of the Constitution of Indiana.

Read a first time and referred to the Committee on Judiciary.

Senator Barrett introduced Senate Bill No. 109, entitled:

A bill for an act concerning taxation.

Read a first time and referred to the Committee on Judiciary.

Senator Duncan of Brown introduced Senate Bill No. 110, entitled:

An act concerning the assembling of the grand jury, and limiting its jurisdiction to felonies.

Read a first time and referred to the Committee on Judiciary.

Senator Ensley introduced Senate Bill No. 111, entitled:

A bill for an act to amend Section 3 of an act to regulate the taking up of animals that run at large.

Read a first time and referred to Committee on County and Township Business.

Senator Fowler introduced Senate Bill No. 112, entitled:

An act to repeal section 15 of an act entitled: An act to create a State Normal School; approved December 20, 1865, being section 4556 R. S., 1881, and to repeal section 4 of an act entitled: An act to create a State Normal School, and declar-

ing an emergency; approved December 20, 1865, and adding supplemental sections thereto, and providing for certain appropriations; approved March 5, 1873; and to repeal an act entitled: An act to amend section 4 of an act approved March 5, 1873 (same being section 4556 R. S., 1881), and to repeal all laws in conflict therewith; approved March 2, 1883, and declaring an emergency.

Which was read a first time and referred to the Committee on Judiciary.

Senator Logsdon introduced Senate Bill No. 113, entitled:

An act to prohibit voluntary conveyance of property by a debtor in contemplation of insolvency and with the design to prefer one or more creditors over others, etc.

Read first time and referred to Committee on Judiciary.

Senator Smith introduced Senate Bill No. 114, entitled:

A bill to amend section 1 of an act entitled: An act declaring agreements to pay attorneys' fees in any bill of exchange, acceptance, draft, promissory notes or other written evidence of indebtedness, illegal and void, and declaring an emergency.

Read a first time and referred to Committee on Fees and Salaries.

Senator Winter introduced Senate Bill No. 115, entitled:

A bill for an act authorizing courts of general jurisdiction in cases where more than one issue is joined to sever the issues and order certain of them to stand for trial in the first instance, and prescribing the method of trial and appeal and the effect of trials in such cases.

Read first time and referred to Committee on Judiciary.

Senator Zimmerman introduced Senate Bill No. 116, entitled:

An act to amend Section 275 of an act concerning proceedings in civil cases, approved April 7, 1881.

Which was read a first time and referred to the Committee on Judiciary.

On motion of Senator Barrett Senate Bill No. 36 was withdrawn from the Committee on Cities and referred to the Committee on Judiciary.

Senator Day offered the following resolution:

*Resolved*, That the Doorkeeper be instructed to purchase water pitchers and tumblers for all of the committee rooms for the use of the standing committees.

On motion of Senator Fowler the resolution was adopted.

Senator Campbell moved that the Senate adjourn.

The ayes and noes being demanded and taken resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Campbell, Cox, Davis, Drake, Duncan of Tipton, Ensley, Hale, Harness, Howard of St. Joseph, Huston, Johnson, Macy, Marshall, Mullinix, Shroyer, Winter. Total, 17.

Those voting in the negative were:

Senators Barrett, Berry, Bryant, Day, DeMotte, Fowler, Logsdon, McClure, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, Mr. President. Total, 19.

So the motion did not prevail.

House Bill No. 70 was read a first time and was referred to the Committee on Cities.

House Bill No. 77 was read a first time and referred to the Committee on Cities.

Senator Winter moved that the Senate adjourn.

The ayes and noes being demanded and taken and resulted as follows:

Those voting in the affirmative were:

Senators Campbell, Davis, Ensley, Hale, Huston, Johnson, May, Marshall, Shroyer, Thompson of Jasper, Winter, Zimmerman. Total, 12.

Those voting in the negative were :

Senators Andrew, Barrett, Berry, Bryant, Day, DeMotte, Drake, Duncan of Tipton, Duncan of Brown, Fowler, Harness, Logsdon, McClure, McDonald of Whitley, Mullinix, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Trippet, Urmston, Mr. President. Total, 24.

So the motion did not prevail.

Senator Trippet, from the Committee on Organizations of Courts, made the following report on House Bill No. 42:

MR. PRESIDENT:

Your committee to whom was referred House Bill No. 42, has had the same under consideration and recommend its passage.

OSCAR A. TRIPPET,  
Chairman.

The Superintendent of Public Instruction presented the following report:

*The Honorable, the Senate of Indiana:*

In compliance of Senate Resolution No. 31, requesting the Superintendent of Public Instruction to inform the Senate as to how much of the common school revenues has been applied to the use and benefit of the State Normal School under several acts of the General Assembly, I have the honor to submit the following statement: The act to create a Normal School, approved December 20, 1865, provided (section 15) that the State Superintendent should deduct and set apart for the use of said school of \$5,000 from each semi-annual apportionment of the common school revenue made after he should be notified that the school was open to receive students. The act of March 5, 1873, increased the amount to be deducted semi-annually to \$7,500 and the act of March 2, 1883, raised it to \$10,000. The first deduction under these acts was made October 15, 1869. The dates of the several apportionments and the amounts deducted are here shown :



October 15, 1869.....	\$5,000
May 4, Monday, 1870 .....	5,000
October 15, 1870.....	5,000
May 4, Monday, 1871 .....	5,000
October 15, 1871.....	5,000
May 4, Monday, 1872 .....	5,000
October 15, 1872.....	5,000
May 4, Monday, 1873 .....	7,500
January 1, 1874 .....	7,500
May 4, Monday, 1874.....	7,500
January 1, 1875.....	7,500
May 4, Monday, 1875.....	7,500
January 1, 1876.....	7,500
May 4, Monday, 1876.....	7,500
January 1, 1877.....	7,500
May 4, Monday, 1877.....	7,500
January 1, 1878.....	7,500
May 4, Monday, 1878.....	7,500
January 1, 1879.....	7,500
May 4, Monday, 1879.....	7,500
January 1, 1880.....	7,500
May 4, Monday, 1880.....	7,500
January 1, 1881.....	7,500
May 4, Monday, 1881.....	7,500
January 1, 1882.....	7,500
May 4, Monday, 1882.....	7,500
January 1, 1883.....	7,500
May 4, Monday, 1883.....	10,000
January 1, 1884.....	10,000
May 4, Monday, 1884.....	10,000
January 1, 1885.....	10,000
May 4, Monday, 1885.....	10,000
January 1, 1886.....	10,000
May 4, Monday, 1886.....	10,000
January 1, 1887... ..	10,000

The above detailed statement may be summarized thus:

7 apportionments of \$5,000 .....	\$35,000
20 apportionments of \$7,500 .....	150,000
8 apportionments of \$10,000 .....	80,000
<b>Total .....</b>	<b>\$265,000</b>

I am not aware that any other deductions have been made from the State's School Revenues. I have the honor to be,

Very respectfully,

J. W. HOLCOMBE,  
Supt. Public Instruction.

Senator Fowler moved that the communication be received and spread of record, and that 200 copies be printed.

The motion carried.

Senator Zimmerman moved that the Senate adjourn.

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Campbell, Cox, Davis, Day, DeMotte, Drake, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Shroyer, Smith of Wells, Thompson of Jasper, Urmston, Winter, and Zimmerman. Total, 20.

Those voting in the negative were :

Senators Andrew, Barrett, Berry, Bryant, Duncan of Brown, Fowler, Logsdon, McClure, McDonald of Whitley, Mullinix, Rahm, Schloss, Sellers, Shively, Thompson of Marion, Tharp, Trippet, Mr. President. Total, 18.

So the Senate adjourned.

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## MONDAY AFTERNOON.

JANUARY, 17, 1887.

The Senate met pursuant to adjournment, Hon. A. G. Smith, President of the Senate, in the chair.

Senator Zimmerman called up House Bill No. 42. He moved that the constitutional rule be suspended, and the bill read a second time by title, considered engrossed, and read a third time by sections and put upon its passage.

The ayes and noes were ordered and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Barrett, Berry, Campbell, Cox, Davis, Day, DeMotte, Drake, Duncan of Tipton, Duncan of Brown, Ensley, French, Hale, Harness, Howard of St. Joseph, Johnson, Kennedy, Logsdon, Macy, Marshall, McDonald of Whitley, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman. Total, 35.

So the constitutional rule was suspended.

Engrossed House Bill No. 42 was read a second time by title, considered as engrossed.

The report of the Committee was concurred in.

The bill was read a third time by sections and put upon its passage.

The ayes and noes were ordered and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Barrett, Berry, Bryant, Campbell, Cox, Day, DeMotte, Drake, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, French, Hale, Harness, Howard of St. Joseph, Johnson, Kennedy, Macy, Marshall, McDonald of Whitley, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, and Mr. President. Total, 37.

Those who voted in the negative, none.

So the bill passed.

The title as read was adopted as the title of the bill.

Senator Duncan of Brown introduced Senate Bill No. 117, entitled :

An act fixing the time of trial in the Circuit Court of all cases appealed from a Justice of the Peace or Board of County Commissioners.

Read a first time and referred to the Committee on Judiciary.

Senator Fowler introduced Senate Bill No. 118, entitled :

An act to amend Section 1 of an act entitled, "An act regulating the working of coal mines, and declaring a lien upon the works and machinery for work and labor in mining coal, and providing penalty for the violation thereof and providing for the appointment and qualification of Mine Inspector, and prescribing his duties and declaring an emergency," approved March 8, 1879, and adding supplemental sections thereto, and declaring an emergency.

Read first time and referred to Committee on Mining and and Manufacturing.

The communication of the Superintendent of Public Instruction was, on motion of Senator Fowler, referred to the Committee on Judiciary.

Senator Logsdon introduced Senate Bill No. 119, entitled :

An act to legalize acts of notaries public, etc.

Which was read a first time and referred to the Committee on Judiciary.

Senator Macy introduced Senate Bill No. 120, entitled :

A bill for an act to prohibit railroad corporations and other persons controlling or operating railroads in this State from giving complimentary or free passes.

Read a first time and referred to Committee on Rights and Privileges.

Senator Smith of Wells introduced Senate Bill No. 121, entitled :

An act fixing certain fees to be taxed in the offices and the salaries of officers therein named, defining certain duties and liabilities of officers and persons therein named, providing for certain employes in certain public offices and fixing compensation, providing for the distribution of certain money, making certain appropriations, declaring certain violations of this act to be a penal offense, and repealing all conflicting laws.

Which was read a first time and referred to the Committee on Fees and Salaries.

Senator Davis introduced Senate Bill No. 122, entitled :

A bill for an act to provide for the opening of public highways through cemeteries and burying grounds.

Read first time and referred to Committee on County and Township Business.

Senators Fowler and Davis were appointed a special committee to examine Senate Bill No. 21.

Senator Mullinix offered the following resolution :

Action was taken by Will Thompson Post, No. 443, Department of Indiana, G. A. R., and it was ordered that a copy of these resolutions be sent to our Joint-Senator and Representative to the State Assembly :

WHEREAS, The Soldiers' and Sailors' Orphans' Home has been badly managed, and placed in the control of partisan trustees ; and,

WHEREAS, The weak-minded children of the very poor of the State have been placed within said home, to the injury of children of said soldiers and sailors ; and,

WHEREAS, A bill will be presented to the General Assembly at its present session for the purpose of reorganizing said home ; therefore, be it

*Resolved, by Will Thompson Post, No. 443, That our Joint-Representative and Senator be, and are hereby, requested to give to said bill their earnest and undivided support ; and, be it further*

*Resolved, That the children of said indigent soldiers and sailors should be considered the wards of the State, and should be maintained, supported and educated by the State.*

G. P. BUNCE,  
Post Commandant.

W. J. ALLEN,  
Adjutant.

SHELBURN, IND., January 8, 1887.

Read and referred to Committee on Benevolent and Reformatory Institutions.

Senator Thompson of Marion presented the report on House Bill No. 77, as follows:

MR. PRESIDENT:

Your Committee on Cities report that they have had House Bill No. 77 under consideration and recommend its passage.

THOMPSON of Marion,  
Chairman.

Senator Thompson of Jasper moved that the constitutional rule be suspended, that House Bill No. 77 be read a second time by title, that the report of the committee be concurred in, and that the bill be considered engrossed and read a third time by sections and put upon its passage.

The ayes and noes were ordered and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Barrett, Berry, Bryant, Campbell, Cox, Davis, Day, DeMotte, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, Hale, Harness, Howard of St. Joseph, Huston, Johnson, Kennedy, Macy, Marshall, McClure, McDonald of Whitley, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Trippet, Urmston, Winter, Zimmerman. Total, 39.

Those voting in the negative, none.

So the constitutional rule was suspended.

Engrossed House Bill No. 77 was read a second time by title, considered as engrossed and put upon its passage.

The ayes and noes were ordered and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Barrett, Berry, Bryant, Campbell, Cox, DeMotte, Drake, Duncan of Brown, Ensley, Fowler, Griffith, Hale, Harness, Howard of St. Joseph, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald of Whit-

ley, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Urmston, Winter, Zimmerman, Mr. President. Total, 38.

Voting in the negative, Senator Day.

So the bill passed.

The title as read was adopted as the title of the bill.

Senator Fowler, from the special committee on Enrolled Senate Bill No. 21, made the following report :

MR. PRESIDENT :

Your special committee, to whom was referred Senate Enrolled Bill No. 21, respectfully report that we have examined said bill, and find it correctly enrolled.

I. H. FOWLER,  
W. J. DAVIS.

Senator Cox made the following motion :

MR. PRESIDENT :

I move that Willie Hoffman, of Martinsville, be appointed page of this Senate.

J. F. Cox.

Senator Winter moved to substitute the name of Master Richard Brown, and presented a petition in favor of said Brown signed by W. C. Thompson, W. C. Duncan and sixteen other Senators.

Which was, on motion of Senator Fowler, referred in full to a special committee of five, composed of Senators Fowler, Bryant, Winter, Cox and Huston.

The following message was received from the House :

MR. PRESIDENT :

I am instructed by the House to inform the Senate that the House has concurred in the report of the Joint Committee on Joint Rules for the governing of the two Houses.

W. H. SMITH,  
Clerk.

The following message was received from the House :

**MR. PRESIDENT :**

I am directed to inform the Senate that the House of Representatives has passed Senate Joint Resolution No. 3, with the following amendment :

Strike out the word "joint" where it refers to the class of the resolution and insert the word "concurrent," and the same is herewith transmitted.

W. H. SMITH,  
Clerk.

Senator Sellers moved that House amendment to Senate Joint Resolution No. 3 be concurred in.

The motion carried.

The President of the Senate announced that he had signed Senate Bill No. 21.

On motion of Senator Shively a recess was taken until 3:30 p. m. The President called the Senate to order at 3:30 p. m.

Senator Fowler, chairman of the Senate Committee on Joint Rules reported the following joint rules :

The undersigned Committee on Joint Rules for the government of both Houses of the Fifty-fifth General Assembly of Indiana, respectfully report the following joint rules for conducting business in the two Houses of the General Assembly of the State of Indiana :

*First.* While bills and joint resolutions are on their passage between the two Houses, they shall be on paper, under the signatures of their Clerks respectively.

*Second.* After a bill or joint resolution shall have passed both Houses, it shall be duly enrolled on paper, and the Clerk of the House, where it originated, shall indorse upon the back thereof, in the House in which it originated, under which he shall place his signature.

*Third.* Every bill or joint resolution, after being enrolled, shall be examined by the Joint Committee of Enrolled Bills, consisting of three from the Senate and six from the House,



appointed as a standing committee for that purpose. One of whom on the part of the Senate and two from the House shall be sufficient to act, who shall compare the same with the Engrossed Bill, and correct any errors, they may discover, so as to make it agree therewith and make their report forthwith to their respective Houses.

*Fourth.* Every bill or joint resolution reported to have been duly enrolled shall be signed first by the Speaker of the House of Representatives, who shall send the same to the Senate, then by the President of the Senate, after which it shall be presented by the Joint Committee of Enrolled Bills to the Governor for his approbation and signature, and the said committee shall report to their respective Houses the day of their presentation, which report shall be entered on the Journals of each House.

*Fifth.* All bills and joint resolutions shall be signed by the Speaker of the House of Representatives and the President of the Senate in their houses respectively when in session, which shall be carefully noted on the Journals of each House.

*Sixth.* When any paper or papers proper to be acted upon by both houses shall come before either, the house before which such paper or papers are laid shall, after acting thereupon, lay it or them before the other house.

*Seventh.* In every case of an amendment of a bill agreed to in one house and dissented to in the other, if either house shall request a conference and appoint a committee for that purpose, and the other house shall also appoint a committee to confer, such committees shall, at a convenient hour to be agreed upon by their chairmen, meet in the conference chamber and state to each other verbally, or in writing, as either shall choose, the reason of their respective houses for and against the amendment and confer freely thereon. A committee of conference shall consist of two members of each house. After each house shall have adhered to their disagreement, a bill or resolution shall be lost.

*Eighth.* In all cases where the Doorkeeper of one house shall, by reason of official engagements, or other cause, be unable to execute the commands or process of the house of which he is an officer, it shall be the duty of the Doorkeeper of the

other house to execute such commands, together with such process as may be directed to him by the presiding officer thereof.

*Ninth.* The following standing committees on the part of each house shall be appointed to act as joint committees: A standing Committee on Enrolled Bills, to consist of six on the part of the House and three on the part of the Senate; a Committee on Public Buildings, to consist of five members from the House and four from the Senate; a Committee on State Library, to consist of three members from the House and three from the Senate; a Committee on Claims, to consist of five members from the House and four from the Senate.

*Tenth.* All election of officers to be elected by the General Assembly, except United States Senator, shall be elected by joint ballot of the two houses, convened for the purpose, at which time and place as shall be agreed to by both houses, and a majority of all the members elected to both houses shall be necessary to an election.

*Eleventh.* In all joint conventions and meetings of the two houses it shall be incompetent for either House, or the members thereof, or the joint convention, to engage in the transaction of any business other than that for which they were so specifically assembled.

*Twelfth.* When a message is sent to the Senate or to the House of Representatives it shall be announced at the door by the Doorkeeper, and it shall be respectfully communicated to the Chair by the person by whom sent.

*Thirteenth.* Messages shall be sent by such persons as the President of the Senate or Speaker of the House may designate for that purpose.

*Fourteenth.* No bill that shall have passed one House shall be sent for concurrence to the other on the last two days of the session.

*Fifteenth.* When bills which shall have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

*Sixteenth.* No spirituous liquors shall be offered for sale or exhibited within the Capitol, or on the public grounds adjacent thereto.

*Seventeenth.* All bills introduced into the General Assembly amending or repealing any previous law of this State which has been incorporated into the Revised Statutes of 1881, shall contain not only a reference to the proper sections of the act amended or repealed but also a reference thereto by the number of the section or sections in which the same occur in said Revised Statutes.

Any amendments to these rules shall be referred to the Committee on Joint Rules.

I. H. FOWLER,  
W. J. DAVIS,  
D. C. BRYANT.

On motion of Senator Fowler the report was concurred in.

Senator Fowler moved to adopt the joint rules as reported by Joint Committee for the government of the two bodies during the present session.

The motion concurred in.

The following message was received from the House :

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed Enrolled Senate Act No. 21, to legalize the incorporation of the town of Middleburg.

W. H. SMITH,  
Clerk.

The Senate joint standing committees were read, and were as follows :

*On Enrolled Bills.*—Senators Fowler, Zimmerman, Davis.

*On Public Buildings.*—Senators Mullinix, Smith of Wells, Winter, Huston.

*On State Library.*—Senators Hale, Trippet, Duncan of Tipton.

*On Claims.*—Senators McDonald of Whitley, Thompson of Marion, Howard of Decatur, Shroyer.

Senator Fowler made the following motion :

MR. PRESIDENT:

I move that the Committee on Enrolled Bills be permitted to employ a clerk to assist said committee in the discharge of its duty.

I. H. FOWLER.

The motion carried.

Senator Bailey, Chairman of the Committee on Elections, offered the following report:

Report of Senate Committee on Elections. In the matter of Frank Branaman, contestor, vs. William N. McDonald, contestee.

MR. PRESIDENT:

Your Committee on Elections, having under consideration the matter of the contested election case of Frank Branaman, contestor, against Wm. N. McDonald, contestee, for the office of State Senator from the counties of Jackson and Lawrence, respectfully report that they have carefully examined the depositions and all other papers referred to them, and taken oral testimony of such witnesses as have come before them regarding the matter in controversy.

And your committee finds that on the 13th, 14th, 15th and 16th days of December, 1886, at the Clerk's office of Jackson County, Indiana, at Brownstown, pursuant to commissions issued to them as Justices of the Peace, Mills S. Reeves and James W. Allen took the testimony in writing of a large number of witnesses touching the matters stated in the complaint herein, a copy of which is filed herewith, marked "Exhibit A," and made a part thereof. That at the taking of said testimony before said Justices of the Peace the contestor and contestee were present in person and by their attorneys.

Your committee also took the testimony of witnesses brought before it by the contestor and contestee in the presence of said contestor and contestee.

It was made to appear to your committee that during the taking of the testimony before said Justices of the Peace, that the contestee desired to introduce witnesses to prove that the con-

testor was guilty of bribery, which was refused by said Justices of the Peace because it was incompetent and irrelevant, it being an attempt to prove the guilt of the contestor, there being no charge or accusation filed against him, but that afterward, to-wit: On the 23d, 24th, 27th and 28th days of December, 1886, the contestee took the depositions of a large number of witnesses before O. H. Montgomery, a notary public, at Seymour, Indiana, by which he attempted to prove bribery upon the part of the contestor.

That your committee has carefully examined and considered all said depositions and finds that no such charge has been made by anyone against said contestor, nor has any such fact been proved against him.

Upon the whole case your committee finds:

*First.* That the contestee, William N. McDonald, did, while he was a candidate for the office of State Senator from the senatorial district composed of the counties of Jackson and Lawrence, Indiana, give to voters of said senatorial district, and offer to give them, bribes of large sums of money to secure his election at the November election, 1886, to the office of State Senator aforesaid from the district aforesaid, which will particularly appear by reference to the testimony of W. M. McClellan, Wm. Champion, Richard Madden, John B. Able, Alfred Guthrie and George Tidd, which is hereto attached and made a part hereof; which statements were wholly undenied by said McDonald, and that the said William N. McDonald thereby has disqualified himself for holding the office of Senator aforesaid during the term for which he was elected.

*Second.* That at the time of said election, and for at least ten days or two weeks previous thereto, it was a matter of common rumor and generally and publicly known by the voters of said senatorial district that the said William N. McDonald was corruptly using money, and intended to use money in the manner aforesaid for the purpose of securing his election to the office of Senator aforesaid, as will be seen by reference to the testimony of Herman Brunning and Frank Branaman filed herewith; and because of these facts, and the further fact that the contestor, Frank Branaman, received the next highest number of votes cast at said election for Senator

- aforesaid, that the said Frank Branaman was duly elected to said office of Senator, and is now entitled to the same.

Wherefore your committee recommends the adoption of the following resolutions: -

*Resolved*, That it is the judgment of the Senate of the State of Indiana, that Wm. McDonald, who is now holding a seat in the Senate as Senator from the counties of Jackson and Lawrence, Indiana, has disqualified himself for holding the said office of Senator during the term for which he was elected by giving and offering to give bribes of large sums of money to secure his election to said office of Senator, and that Frank Branaman, contestor, was, at said election, duly elected to said office of Senator, and is now entitled to the same, and that he now be sworn into said office as Senator from the counties of Jackson and Lawrence aforesaid.

*Resolved*, That this report be spread at full length upon the Journal of the Senate.

Respectfully submitted,

LEON O. BAILEY,

Chairman, Committee on Elections.

F. M. HOWARD,

F. M. GRIFFITH.

## EXHIBIT B.

In the matter of the contest of the election of William N. McDonald to the office of State Senator from the counties of Jackson and Lawrence in the State of Indiana, which election was held November 2, 1886, Frank Branaman, on oath states that he is an elector of Jackson County, Indiana, and that, as such elector, he was entitled to vote in the county of Jackson, in the State of Indiana, at the general election which was held in said county and State on the second day of November, 1886. That at said election, William N. McDonald was a candidate for and voted for the office of State Senator from the counties of Lawrence and Jackson, in the State of Indiana, by the electors of said county and that the said William N. McDonald has been declared elected to said office of State Senator by the proper board of canvassers. And that the said Frank Brana-

man was also a candidate for said office of State Senator from said counties of Lawrence and Jackson, and was voted for at said election by the electors of said counties for said office of State Senator.

That the said Frank Branaman contests the election of said William N. McDonald to said office of State Senator for the reasons following, to-wit:

*First.* On account of illegal votes.

*Second.* That the said William N. McDonald was not eligible to the said office of State Senator at the time he was voted for, for the said office as aforesaid for the reason that he had given bribes of money and property and had offered to give bribes of money and property to the electors of the said counties of Lawrence and Jackson as rewards to secure his election to said office of State Senator.

*Third.* That the said William N. McDonald has disqualified himself for holding the said office of State Senator from the counties aforesaid, and that the Senate of the State of Indiana should declare him disqualified for holding office during the term for which he may have been elected State Senator aforesaid, for the reason that the said William N. McDonald gave bribes of large sums of money and property, and offered bribes of large sums of money and property, to the electors of the said counties of Lawrence and Jackson as rewards to secure his election to said office of State Senator from the counties aforesaid.

FRANK BRANAMAN.

Subscribed and sworn to before me this 11th day of November, 1886.

FRANK BURRELL,

[Seal.]

Per J. C. C.

#### INDORSEMENTS.

In the matter of the contest of the election of William N. McDonald to the office of State Senator from Lawrence and Jackson counties, in the State of Indiana, which election was held November 2, 1886.

Filed November 11, 1886.

FRANK BURRELL,

JASON B. BROWN,

Per J. C. C.

Attorney for Contestor.

## EXHIBIT A.

*In re* FRANK BRANAMAN, Contestor, }  
   *vs.* } Abstract of testimony.  
   WM. N. McDONALD, Contestee. }

William M. McClellan says that as McDonald passed him on the day of the election he dropped \$5 in his hand and went ahead, and said, "Here, Mack."

William Champion was in Seymour on the morning of the 2d of November, 1886. He saw McDonald between the hours of 8 and 10 o'clock, before he had voted. McDonald gave him \$6. Champion is a Democrat. Champion says: "I was on the avenue; he (McDonald) came up and shook hands. I spoke to him, and said, 'I suppose the fight has opened up?' His answer was 'Yes.' I then asked to borrow \$5 or \$6. He (McDonald) just stepped inside the stairway in the hall that goes up to the Republican office, and gave me the money, \$6."

On the morning of the examination, Champion received \$100 from McDonald, the contestee, to pay his expenses in attending as a witness, he (Champion) being a witness for the contestor.

And Richard Madden, being first duly sworn to testify the truth, the whole truth and nothing but the truth, deposes as follows, to-wit:

Question. State your name, age and place of residence.

Answer. My name is Richard Madden; I am 57 years; I reside in Hamilton Township, Jackson County, Indiana.

Q. Was you a legal voter at Hamilton Township, Jackson County, Ind., at the November election, 1886?

A. I think I was.

Q. Are you acquainted with Wm. N. McDonald?

A.. Yes.

Q. Was William N. McDonald a candidate for any office to be voted for at the November election, 1886; if so, what?

A. Joint Senator.

Q. Did you meet him a few days before the election at Seymour?



A. I met him several times at Seymour, daytime and night both, passing and repassing.

Q. At any of the times that you met him prior to the election did he give you any money to be used in the election? If so, how much, and where, and what was said?

A. I met McDonald at Andrew's corner in Seymour. They accused him of electioneering me. He said, "You are too strong a Democrat to vote for me." He said he reckoned I was a friend to Branaman. He said he knew I was a Branaman man and he wouldn't ask me to vote for him, but he said, "Don't work too hard against me." We had another conversation about the same at another time. Didn't give me any money at that time. After that I met Mr. McDonald and shook hands with him. He left some money in my hand. He did not say what it was for at that time or any time since. There was fifty dollars of it.

Q. What is your politics?

A. I am a Democrat.

Q. Were you an active Democrat last November election?

A. I voted the Democrat ticket.

Q. The place where the money was left in your hands was Seymour, was it?

A. Yes.

---

Richard Madden and John B. Able, being first duly sworn to testify the truth, the whole truth and nothing but the truth, depose as follows, to-wit:

A. My name is John B. Able. Age, forty-two years. I reside in Redding Township, Jackson County, Indiana.

Q. What is your occupation?

A. A farmer.

Q. Were you a legal voter at the Rockford precinct, Jackson County, Indiana, at the November election, 1886?

A. Yes.

Q. Are you acquainted with William N. McDonald?

A. I know the man.

Q. When and how did you become acquainted with him?

A. The first time I ever knew him I was introduced by Everett Carter, on Friday or Saturday before the election.

Q. Where was that, and what was said by McDonald to you about the election?

A. It was at Jo. Hodapp's office in Seymour. He—I don't remember every word that was said. He said he was a candidate for Senator. He wanted to know how I stood on it. Said I was a Democrat, or something to that effect. I told him that I was a Frank Branaman man all over; that I worked hard against Frank Branaman at the convention, but I allowed to work just as hard for him at the election.

Q. What next did McDonald say about wanting you to help him in the election?

A. He said he didn't vote the Republican ticket all the time—sometimes he scratched. I just said this: If you give me a thousand dollars I couldn't do you any good.

Q. What did McDonald say to you about wanting you to help him?

A. He said to me: "You wouldn't do me any good, but if you ever come out for office, I work lots of hands and would certainly help you."

Q. Was not McDonald wanting you at that time to help him at the election?

A. Yes, I think so.

Q. Was there any arrangement to meet him again, and if so, when and where?

A. He said he would see me again at John Redinger's.

Q. Did you meet him at John Redinger's according to agreement?

A. No.

Q. Did you afterward meet him at any other place?

A. Yes.

Q. Where?

A. On the street, near Lew. Hibner's stairway.

Q. Where did you go to from there?

A. We went from there to the scales at the coal yard.

Q. How did you get on to the scales?

A. We went through the gate.

Q. Was the gate closed, and if so, who opened it, and how?

A. I believe it was shut. Nels opened the gate; I don't know how.

Q. Did not McDonald climb over the fence in order to open the gate?

A. Yes.

Q. What kind of a fence is it?

A. I do not know what it is on the side, on the front is a gate.

Q. After you got through the gate on the scales, did McDonald give you any money? If so, how much?

A. Not a cent.

Q. Did McDonald give you any money that evening or night? If so, how much?

A. Yes; he gave me fifty dollars.

Q. What was said by McDonald at the time he gave you the money?

A. He never said a word.

Q. Why did you and McDonald go in the gate on the scales at the coal office?

A. I did not go in the gate with McDonald; I went with Dick Madden.

Q. Who suggested for you to go in there?

A. I do not remember.

Q. Where was it you got the fifty dollars from McDonald.

A. About half way between J. M. I. avenue and John Standt's saloon.

Q. How did he give it to you?

A. I think he walked by me and put it in my hand.

Q. The night you had the conversation with McDonald, did he not ask you not to work hard against him in the election.

A. He asked me not to work too hard against him, or something like it.

Q. What did you and Madden and McDonald go into the coal shed for that night?

A. We went in there to talk.

Q. What did you go in there to talk about?

A. Our talk was all about the election.

Q. What time was it that you were in there, as to being dark or light?

A. About 7 o'clock and not very light.

Q. Was it after dark?

A. I think it was.

Q. Was it not a secluded place, closed up as it was?

A. It is—it was then.

Q. Was William N. McDonald a candidate for any office to be voted for at the November election, 1886?

A. He was.

Q. Was it after the conversation at the coal shed that he gave you the money?

A. Yes.

Cross-examination by contestee:

Q. Did you promise McDonald to vote for him?

A. No.

Q. Did you promise not to work against him at the election?

A. I did not.

Q. Did you promise him not to work or vote for Frank Branaman at the election?

A. No.

Q. Did you vote for William N. McDonald at the election?

A. No, I did not.

Q. Did you not work both for and vote for Frank Branaman for Senator at the election?

A. Yes, I did.

Q. Did the \$50 you received have any effect or influence on your voting or working at the election?

A. Not any; no sir, not a bit.

Q. Who was the opposing candidate for Senator at said election?

A. Frank Branaman.

Q. Did you receive any money from Frank Branaman while he was a candidate for said office and prior to the close of the election for electioneering purposes in his behalf?

Objected to for the reason that it is irrelevant, immaterial and not legitimate cross-examination.

Objection sustained and witness not permitted to answer.

Q. Did you receive any money from Wm. T. Branaman, a brother of Frank Branaman, while Frank Branaman was a candidate for the office of State Senator and before the close of said election to be used in electioneering purposes for and in behalf of Frank Branaman, and if so, how much?

Objected to, and witness not allowed to answer.

Re-examined by the contestor:

Q. Did you not understand that McDonald was trying to influence you in the election by the gift of fifty dollars to you?

Objected to as a immeterial, and the witness is not allowed to state his understanding.

A. That was my understanding.

JOHN B. ABLE.

Alfred Guthrie being duly sworn to testify to the truth, the whole truth and nothing but the truth, deposes as follows, to-wit:

Q. What is your name, age and place of residence?

A. My name is Alfred Guthrie; I am 26 years old, and I reside in Salt Creek Township, Jackson County, Ind.

Q. Were you at the Huston precinct on the day of the last November election?

A. Yes.

Q. Did any one for McDonald offer to give you any money if you would vote or work for McDonald?

A. Yes.

Q. Who was it?

A. Thomas Callahan.

Q. How much did he give you?

A. Two dollars.

Q. What did he say as to who he had to account to for the money?

Objected to.

A. He did not say who; he only said he would have to give an account for the money.

Q. Who was Callahan working for at the election?

Objected to.

A. He was working for Mr. McDonald, I think.

Q. What did he say as to how much he had spent that day in the election?

Objected to.

A. He said it was the last of the fifty dollars what he gave to me.

Cross-examination by the contestee:

Q. Was William N. McDonald present at the time?

A. No.

Q. How long have you resided in Huston precinct, Jackson County, Indiana, previous to the November election?

A. I was born in Jackson County, Indiana; resided in Hendricks County. I came there September 4, 1886.

Q. Where did you come from when you came to that precinct?

A. I came from Hendricks County.

Q. Who all were present at this transaction?

A. There was no one when he gave me the money.

Q. Did you receive and keep the money?

A. Yes.

Q. Did you vote at that election?

A. No.

Q. Why did you not vote?

A. I lacked one day of being in the precinct long enough.

Q. Did you offer to vote?

A. I went up and asked them if they would allow me to vote there.

Q. Did you have your ticket in your hand ready to vote?

A. I had a ticket.

Q. Did you offer your ticket to the election board?

A. No, I just asked them if they would allow me to vote there.

Q. Did anyone challenge your vote?

A. No.

Q. And you declined to do that?

A. I did not file any affidavit.

Q. What ticket did you offer to vote?

A. The Democrat ticket is the one I would have voted.

Q. Was there a name of any candidate for Congress on it?

A. I can not tell you.

Q. Was your ticket a straight, unscratched Democratic ticket?

A. Yes, that is my principle.

Re-examined by the contestor:

Q. Whose name was on the ticket, for State Senator, that Callahan gave you?

A. Mr. McDonald's.

Q. Was that the ticket he wanted you to vote for two dollars?

A. Yes.

ALFRED GUTHRIE.

George Tidd being duly sworn to testify the truth, the whole truth, and nothing but the truth, deposes as follows:

Q. State your name, age, and place of residence and occupation.

A. My name is George Tidd. I am 43. I reside at Huston, and I am a farmer.

Q. Were you a legal voter at the Huston precinct, in Salt Creek Township, Jackson County, Indiana, at the November election, 1886?

A. Yes.

Q. Prior to the day of election did any one, in the interest of Wm. N. McDonald, offer or give you any money to influence

you, directly or indirectly, to vote for McDonald for State Senator? If so, who, and how much?

Objected to.

A. No.

Q. Did you receive any money from any person prior to the election? If so, from whom, and how much, and in whose interest in the election?

Objected to as too indefinite.

A. I got a little money; I got fifteen dollars; got it from nobody; it was thrown down on the bed, and said it was for me. There was no questions asked and none answered.

Q. Who put the money on the bed?

A. William Hill.

Q. What else was put on the bed with the money?

A. Nothing.

Q. Were there no tickets left with you or given to you at the time the money was put on the bed?

A. No.

Q. Before the money was put on the bed was there any tickets given you by the party that left the money on the bed?

A. No.

Q. Before this transaction had you had any conversation with John Brown about receiving money to secure votes for McDonald?

Objected to.

A. Yes, I had.

Q. What was that conversation?

A. He came to me and told me I could get ten dollars and I was to distribute that ten dollars with five of us.

Q. What were the five to do?

A. They were to vote for McDonald.

Q. What is John M. Brown's politics?

A. I don't know, but he is a Republican, I reckon.

Q. What did he say as to who was to furnish the money?

A. He did not say.



Q. After that was there any other arrangements made with any other person about money to be used in the interest of McDonald in the election?

Objected to.

A. He told me I could get the money from William Hill.

Q. Did he say how Hill got the money?

A. No.

Q. Did you talk to Hill about it?

A. No.

Q. Did Hill talk to you anything about it, and if so, what did he say?

Objected to.

A. Nothing, only he threw the money down on the bed and said, "There is fifteen dollars belongs to you."

Q. If the arrangement was for ten dollars, why was it that Hill gave you fifteen, put on the bed for you?

A. Brown told me to see the boys and see what they would take to vote for McDonald.

Q. Did you see the boys and report what they would take to vote for McDonald?

A. Yes.

Q. How much did the boys want?

A. Three dollars.

Q. How many are there and what are their names?

A. Five. Their names are Joseph Lane, Charles Wesley Lane, William M. Lane, Joel Cornett and George Tidd. I tried to save a little for myself.

Q. What is the politics of Wm. Hill?

A. I don't know, unless he is a Democrat.

Q. What is the politics of George Tidd and the three Lanes and Cornett, if you know?

A. They are Democrats.

Q. Who was John M. Brown working for on the day of the election?

A. He was on the Board.

Q. Who was Wm. Hill working for on the day of the election for State Senator?

A. I don't know.

Cross-examined by the contestee:

Q. When you talked to John M. Brown, where was you and who was present?

A. We were at the church house at Huston. No one was present.

Q. Who did you vote for for State Senator?

A. I voted for the man they said the money was for.

Q. Who did you vote for?

A. I voted for McDonald.

Q. Did you not intend to vote for him anyhow before you heard anything about the money? (No answer given.)

Q. Did Hill or Brown tell you who this money belonged to?

A. No; they did not.

His  
GEORGE X TIDD,  
mark.

The contestee, Senator McDonald, objected to the introduction of oral testimony before the committee at this time, for the reason that he has received no notice that oral testimony would be heard to-day; nor has he been furnished with any names of any witnesses that would be examined before the committee.

Objection overruled.

Herman Brunning, being duly sworn to testify to the truth, the whole truth and nothing but the truth, deposes as follows, to-wit:

Q. State your name, age, residence and occupation.

A. My name is Herman Brunning; age, 33 years. I reside at Seymour, Jackson County. I am a grocer.

Q. Where do you live?

A. In Seymour.

Q. How long have you lived there?

A. About fourteen years.

Q. Do you know William N. McDonald?

A. Yes, sir.

Q. How long have you had an acquaintance with him?

A. I have known him, I expect, for six or seven years, as near as I can recollect; probably not so long.

Q. Where were you during the two or three months immediately preceding the last November election?

A. I was in Seymour.

Q. What do you know, if anything, upon the subject as to whether it was not a general and common rumor that McDonald was using and intended to use money to secure his election as Senator from the counties of Jackson and Lawrence?

Contestee objects to this line of testimony upon the ground that it is incompetent and immaterial, and for the further reason that no matter what the answer of the witness may be, it can have no effect in law in this case.

The evidence is offered upon the ground that it is admissible to show that the voters of the Senatorial District in which Senator McDonald was a candidate, had knowledge that he was corruptly engaged in the use of money to secure his election, and that if they had such notice, that then, his opponent, Frank Branaman, is entitled to be declared elected to the office of Senator. To which the contestee replies that the public rumor is not sufficient to establish public knowledge, nor does it necessarily lead to it.

A. The public rumor was that there was a great deal of money flourishing around. That was the general street talk.

Objected to.

A. [Continued.] I heard several different parties say as to McDonald's using money. I heard rumors that he had spent about \$4,000 to their knowledge, from several different parties. That is about as near as I can answer it.

Q. Who did this public rumor indicate was the person who furnished the money to secure his election?

Contestee objects to this for the same reasons.

A. The rumor around town was that McDonald received money from Indianapolis to help in his election. How much, exactly, I do not know.

Q. What was said, if anything, about the Indianapolis people furnishing one-half and he the other?

A. I am not positive as to the parties.

Q. What is the fact as to whether this rumor of information that you speak of was confined to a single locality, or was it general throughout the county?

A. It was general throughout the county.

Q. How long was it before the election that you heard of the rumor of which you have spoken?

Objected to as leading that the witness had not admitted that the rumor had not existed prior to this.

A. The first that I heard of it was in Brownstown, where I was attending the Board of Commissioners, before the fight had begun. I do not remember exactly, but I think it was the first Monday in September. I heard from several different parties there that McDonald would beat Branaman, and I asked them upon what grounds they based their opinions, and they said that McDonald had the money and Branaman didn't. Those are the facts I heard, as I remember.

Q. What do you know, if anything, upon the subject as to whether money was or was not used in the city of Seymour on the day of the election to secure McDonald's election?

A. I saw lots of money flourishing around that day.

Q. Whose did it purport to be?

A. It purported to be Mr. McDonald's money.

Cross-examination by contestee:

Q. What is your business?

A. I am a grocer.

Q. What kind of a grocery do run down there?

A. Grocery store.

Q. What kind of a grocery store?

A. A provision store.

Q. Have you ever been in the saloon business?

A. I was once.

Q. How long have you been out of the saloon business?

A. Four years ago last June.

Q. How long were you in the saloon business?

A. About two years and a half.

Q. Whose grocery are you in now?

A. My own.

Q. Where is it located?

A. On Second street in Seymour.

Q. How long has it been there?

A. Two years next month.

Q. Do you keep liquors for sale?

A. No, sir.

Q. Do you sell beer?

A. No, sir.

Q. No intoxicants of any kind?

A. No, sir.

Q. Never have any at the store.

A. Only what I carry home in my pocket; I do not keep any to sell.

Q. Did you know Mr. Branaman, who was a candidate for the State Senate last November?

A. Yes, sir.

Q. You had several candidates for public offices down there on both tickets, Republican and Democrat?

A. Yes, sir.

Q. There was considerable money used in the election in that town?

A. Yes, sir; I am satisfied there was.

Q. Do you know anything about who furnished the money?

A. Well, not all of it. I do not.

Q. Do you know anybody who furnished money in the election?

A. Not personally, only rumors.

Q. I will ask you if you have any knowledge as to who furnished the money in the last election?

Objected to, and objection sustained.

Q. Do you know of any money being used by Mr. Branaman in the late election to secure his election as State Senator?

Objected to because it is irrelevant and immaterial, and that it is not cross-examination.

The objection was sustained.

Q. Do you live in Seymour?

A. Yes, sir.

Q. How long have you lived there?

A. About fourteen years.

Q. Were you there very much of the time?

A. As near as I am able to remember, I was there every day. I had my home there all the time.

Q. Where were you when you were absent?

A. Probably when away on business. I was in Brownstown one day attending the Board of County Commissioners. I do not remember that I was anywhere, unless I was out hunting. I think it was about the first Monday of September that the Board met.

Q. You do not remember of being anywhere except in Seymour during the campaign, except one day while in Brownstown, which you testify was along about the first Monday in September.

A. Well, that is the implication as I remember.

Q. About the first Monday in September, you say.

A. If I remember right, it was about the first Monday in September.

Q. And you say that while you were down there at the meeting of the Board of County Commissioner you heard some one say that Branaman would be defeated because McDonald had the money to defeat his opponent?

A. I heard it from some one in Brownstown. I heard it from several different parties at that time.

Q. About the first Monday in September?

A. As I said before, it was the first Monday in September that the Board met, I think.

Q. Had Mr. McDonald been nominated for State Senator at that time?

A. I do not remember that there was a convention to nominate Mr. McDonald.

Q. But do you not know as a matter of fact that he was not nominated for the Senate at that time, and that he was not a candidate until the last of the month?

A. I do not remember that there was a Republican convention held in Jackson County.

Q. Had Mr. McDonald been nominated for the State Senate by Jackson County and Lawrence County at the time you were in Brownstown, on the first Monday in September?

A. As I said before, I did not know that there had been a convention.

Q. Not in Jackson County?

A. No, sir.

Q. Did you know that Mr. McDonald was a candidate for State Senator from Jackson and Lawrence counties?

A. I knew that he was a candidate.

Q. Now, do you not know that that convention was not held until after the 1st of September?

A. As I said before, I did not know that there was a convention held.

Q. Then, if there was a convention held after that time, and Mr. McDonald was nominated subsequent to that time, might you not be mistaken about the remark that you heard some one make down in Brownstown?

A. I am not mistaken about that.

Q. Do you not remember now that it was as late as the 23d of September when the convention for Lawrence and Jackson counties met and nominated William N. McDonald for the office of State Senator?

A. As I said before several times, I did not know that there was a convention held.

Q. That is out of our question. Do you not remember that the convention that nominated Mr. McDonald was held then?

A. No, sir.

Q. Now you were at no other point during the campaign, except at Brownstown, that you remember of?

A. Not that I remember of.

Q. How many townships are there in that county?

A. That is something I could not answer immediately.

Q. Will you answer now that through the information you have just received that there are eleven townships in the county?

A. I think Mr. Brown ought to know.

Q. How many towns are there in that county?

A. Well, I don't know what you call towns.

Q. Well, villages?

A. There are a great many different places.

Q. Well, everything that is not a city is a village—is there one in every township or two?

A. There may be one or more. I remember canvassing the county, but I am not positive as to the number of towns.

Q. Well, now, will you speak of the public rumor in Jackson County about McDonald's using money? Do you want the committee to understand that the rumor you heard in Brownstown and Seymour you heard in only those two places that you tell you were during the last campaign in that county?

A. Yes, sir—that is, if I am right.

Q. Then you confine the rumor you speak of to Seymour and Brownstown?

A. Yes, sir; but then there were people from all parts of the county that came in from day to day, even on Sunday.

Q. Now, do you say that they came in from all parts of the county to Seymour?

A. Yes, sir.

Q. Who were they?

A. I can not recall their names. One fellow would say, I am from Salt Creek Township, another Grassy Fork Township, Carr Township, Hamilton, Vernon Township. That is as near as I can remember the names of the townships where any of the parties were from.

Q. Now, will you give the names of the persons that you heard make mention of that rumor?

A. That is, I said before, impossible for me to give. All that I say I heard was that there were several thousand dollars being used in the election by McDonald.

Q. Can not you give the names of some of them? If you heard so many of them, not a single one that you heard say so?

A. I could name one or two, but I did not expect anything of this kind coming up and did not try to remember the names.

Q. When did you come to the city here?

A. I came here this morning.



Q. You left Seymour with Branaman this morning on the train? You got on the train at Seymour with Mr. Branaman and some other parties?

A. I met Mr. Branaman on the train and we came up here together. No one else that I know of was with him.

Q. Did you not have a conversation with Mr. Branaman as you came up?

A. We sat together in the same seat.

Q. Did you talk about this case?

A. No, sir.

Q. Was nothing said about this election?

A. There was something spoken about it on the platform, but I do not remember that we spoke a word on the way up?

Q. Did he tell you that you were wanted to testify in this case?

A. He said that they wanted me before the committee.

Q. Did he tell you what for?

A. No, sir; I can not remember that he did.

Q. Did he not tell you that he wanted you to testify as to a public rumor in that county to enable him to get his seat, and did he not tell you in the presence of two other persons?

A. He did not.

Q. Did he say anything like it to you?

A. As I said before, he said that I was to come here to testify before the committee.

Q. Did he not tell you that it was a public rumor in that county?

A. I do not remember that he did.

Q. Now think about it and see if you do not remember that he did?

A. I have answered the question once.

Q. You say you do not remember?

A. No, sir; I do not remember that he did.

Q. Did you have a conversation with Mr. Branaman last night?

A. No, sir; not earlier than 7 o'clock this morning.

Q. Did you not have a conversation with him last night on the corner of the hotel?

A. No, sir.

Q. You can not give the name of anybody in Jackson County that said to you that Mr. McDonald had used money to secure his election?

A. Well, I could give the names of some parties in the county, of course. The day that I was speaking of before, that I was at Brownstown, Henry Miller said to me: "I am afraid that Branaman will be beaten." I asked on what grounds he was afraid of it. He said: "Because McDonald had the money and Branaman hasn't."

Q. That was the first Monday in September?

A. If I remember right, it was.

Q. Some three weeks before the convention was held to nominate him. Was that all?

A. That is the only one I can remember of now.

Q. But in the multitude of men that spoke about this public rumor that you speak of then, can not you remember the name of one man, at least, where you have lived for fourteen years, that said something about it?

A. I could name probably forty or fifty.

Q. I only asked for one.

A. John Collarn.

Q. Where does he live?

A. He lives in Seymour.

Q. What did he say?

A. He said that Branaman and money were taking the cake.

Q. Did you mean that?

A. No, sir; I made a mistake. It was McDonald and not Branaman.

Q. What is that Mr. Collarn's business?

A. He runs a restaurant.

Q. Nobody else that you can think of down there?

A. I can think of no one else at present.

Q. Out of the eleven townships and the numerous men that came into Seymour that spoke of the use of money by McDon-

ald, and you can not remember the names of anybody that said so?

A. I did not make a note of the rumors nor the parties that gave the rumors. I did not expect anything of this kind to come up or I might have made a note of it.

Q. You paid no attention to it?

A. I paid attention to it to hear it, but I did not take a note of it. If I had expected anything of this kind I would have made a record of it.

Q. Was it not rumored down there that Mr. Branaman was using money to secure his election, and was not the rumor down there quite general that Mr. Branaman had used money to secure his election, and is it not possible or probable that that rumor was as general as the rumor you say was against Mr. McDonald, and have you not confounded the two and made a mistake?

A. If Mr. Branaman used any money I did not know it.

Q. But did you not hear any rumor as to Mr. Branaman's using money in that capacity?

A. If I heard of any I do not know where they went to.

Q. Was not Branaman appointed guardian of the Langdon heirs some weeks before the election, and did he not receive a large sum of money as such guardian?

A. I do not know anything about that.

Q. You know nothing about it?

A. No, sir.

Re-direct by Mr. Brown:

Q. State to the committee what the fact is as to what was the extent of your acquaintance with these people who came in from the country that you have spoken of. That is to say, whether they were persons with whom you had personal acquaintance. If so, how much, or whether they were persons with whom you had no acquaintance at all with?

A. They were persons I would know on sight only.

Q. That was the case in many instances, was it not?

A. Yes, sir.

Re-direct examination by the Chairman of the committee:

Q. How many people during the last three or four weeks, prior to the election, do you think you talked with upon the subject—one or two, or a good many?

A. A good many.

Q. Were they generally living in Seymour?

A. I met them from all parts of the county.

By Senator Sears:

Q. Do you know what the financial standing of Mr. McDonald is as to wealth?

A. Well, it is generally understood that Mr. McDonald is, as it is termed, "well-fixed."

Q. How about Mr. Branaman?

A. I do not know anything about his financial standing.

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Frank Branaman, being duly sworn to testify the truth, the whole truth, and nothing but the truth, deposes as follows, to-wit:

Q. You will please state, Mr. Branaman, the fact in reference to the refusal of these Justices of the Peace to issue subpoenas for the witnesses of the Senator McDonald.

A. In the first place, the attorneys for Mr. McDonald wanted to prove, on examination of the witnesses introduced against me, that I had used money in the election myself. There was quite a discussion over that, and it was decided that they could not do that—that is, the questions were written down, but were refused to be answered. Then, before we got through with our side of the case, they gave notice to take depositions on their side of the case, and there was a discussion about that, when they gave their subpoenas to the Justices and asked them to issue them, and in the discussion the fact as to what they wanted to prove was brought up. Then they claimed that they had a right to subpoena witnesses to prove that I had used money, and it was agreed by Mr. Burrell and justices that if they wanted to disprove what we had proven, that they had a right to have their witnesses subpoenaed; but so far as subpoenaing witnesses to prove that I had used money, they did not

think that they had a right to do so. So the justices refused to issue subpoenas for that reason. The subpoenas were left there until the afternoon of that day and then they were taken off of the files by Mr. Marshall, or Mr. Charles—I do not remember which one—and when we came to make up the papers the subpoenas placed in the hands of the justices were missing, and the justices said that they had been taken by the attorneys for Mr. McDonald.

Q. What do you know, if anything, in reference to what knowledge the voters of the county had as to McDonald's using money to secure his election?

Objected to for the reason that Branaman is a contestant in this case, and seeks to be benefited by the testimony he gives.

A. I know that a number of parties came to me and told me that he had given certain parties money, and that he was going to use a large amount of money in the campaign and was using it, and in my canvass over the county I warned the people against this rumor that I had heard.

Q. Now, Mr. Branaman, if you have any information upon the subject of there being a rumor in Jackson County that McDonald was using money to secure his election, state the extent of that rumor—whether it was confined to a locality, a few localities, or whether it was general or otherwise.

A. It was common talk in every township that I struck.

Further question by Senator Griffith:

Q. Did you make speeches through the district?

A. I spoke all through the county—about two speeches in each township, but I only spoke about three times in Lawrence County. I was over a part of the county, but I was not west of the New Albany road.

Q. In your public speeches did you make the announcement or declaration that there was a rumor that your opponent, Mr. McDonald, was using money corruptly?

A. I did.

Q. How often—once, twice, or in all your speeches that you made?

A. In pretty nearly every speech I made.

Q. Did you talk with many people upon the subject through the district?

A. I did.

Cross-examination by contestee:

Q. Mr. Branaman, you stated that the attorneys for McDonald asked the Justices of the Peace to issue a subpoena for witnesses in his behalf, did you not?

A. Yes, sir.

Q. Did not the Justices of the Peace decline issuing that subpoena?

A. They did.

Q. Did they not indorse on the back of the subpoena that they had refused to issue the subpoena for witnesses in the behalf of Mr. McDonald?

A. I do not know as to that; I did not see the subpoena.

Q. Do you now know as a fact that they were indorsed?

A. I did not see the indorsement on them at all.

Q. But did you not know they were indorsed?

A. I did not.

Q. You have not testified anything from your personal knowledge?

A. I have as to rumor.

Q. You know nothing about the truth or falsity of the rumor?

A. Yes, sir.

Q. Your own personal knowledge?

A. I know only as to what was told me.

Q. Was it not said to you by some one that the Justices of the Peace had declined to issue the subpoenas and so indorsed on the back?

A. Yes, sir.

Q. Was it not so understood that the subpoenas should be attached to the depositions that were sent up there in your behalf?

A. It was agreed by Mr. Burrell, for me and them, they should be.

Q. Give me the names of places where you spoke in which you announced publicly that Mr. McDonald was using money.

A. Nelson's School House, Crothersville, Cortland School House, Borchers' Church, Dudleytown, Tompeka, Sparksville, and Medora, in Jackson County, and Reed's School House, Heltonville and Henderson's School House, in Lawrence County.

Q. There is where you made the announcement—at these places—that it was rumored that McDonald was using money to secure his election, and you warned the voters of that fact?

A. Yes, sir; and I also noted with the Democrats.

Q. Who did you mention it to?

A. Dr. Cummins Huston.

Q. When did you mention it to him?

A. A few days before the election.

Q. Some one else?

A. Charles W. Thompson, Huston, a few days before the election; Riley Starns and Riley McCallahan, of Maumee; Bill A. Adkinson, John Horian, Charles Lelinger, Will Heaton, of Seymour.

Plaintiff requests to apply to the committee for ten witnesses to be subpoenaed from each township in both counties, which request the committee refused.

Senator Fowler, chairman of the Committee on Enrolled Bills, reported as follows:

That Senate Bill No. 72 is correct, except section 1, and we recommend that said bill be referred to the Committee on the Organization of Courts.

The report was concurred in and the bill referred to the Committee on Organization of Courts.

Senator Bailey moved the adoption of the report of the Committee on Elections, and on that motion demanded the previous question.

The Senate seconded the demand for the previous question.

The question was submitted, Shall the main question be now put? and resulted as follows:

Those voting in the affirmative were :

Senators Andrew, Bailey, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, Griffiths, Howard of Decatur, Logsdon, McClure, McDonald of Whitley, Mullinix, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Zimmerman and Mr. President. Total, 24.

Those voting in the negative were :

Senators Barrett, Campbell, Davis, DeMotte, Drake, Duncan of Tipton, Ensley, Hale, Harness, Howard of St. Joseph, Huston, Johnson, Kennely, Macy, Marshall, Moon, Peterson, Shroyer, Thompson of Jasper, Urmston and Winter. Total 21.

So the motion carried.

Senator Campbell demanded a division of the question, one part of the question being upon the unseating of Senator McDonald, and the other part being upon the seating of Brannaman.

The question was so separated.

The question was then put, Shall Senator McDonald of Jackson be expelled ?

The ayes and noes being demanded and taken, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald of Whitley, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman and Mr. President. Total, 29.

Those voting in the negative were :

Senators Campbell, Davis, DeMotte, Drake, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Thompson of Jasper, and Winter. Total, 16.

So William N. McDonald was expelled.



The part of the question was then put, Shall Frank Branaman be seated as Senator from the counties of Lawrence and Jackson?

The ayes and noes being demanded and taken, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald of Whitely, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, and Mr. President. Total, 29.

Those voting in the negative were:

Senators Campbell, Davis, DeMotte, Drake, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Thompson of Jasper, and Winter. Total, 16.

So Frank Branaman was seated as the Senator from the counties of Lawrence and Jackson.

Frank Branaman was called to the bar of the Senate and sworn in as Senator from the counties of Lawrence and Jackson by the President of the Senate.

Senator Bailey moved that the vote adopting the resolution and report of the Election Committee as a whole be reconsidered and that the motion to reconsidered be laid on the table.

The ayes and noes being demanded and taken resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald of Whitely, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, Mr. President. Total 29.

Those voting in the negative were :

Senators Campbell, Davis, DeMotte, Drake, Duncan of Tip-ton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Mar-shall, Moon, Shroyer, Winter. Total, 15.

So the motion to table the motion to reconsider carried.

Senator Howard of Decatur offered Senate Concurrent Reso-lution No. 2.

WHEREAS, It appears that the interests of the people of Indi-ana are seriously endangered by the commotion and political strife now existing in this General Assembly and arising from the matter and manner of determining the qualification of its members; and

WHEREAS, This Senate without questioning or criticising the prerogative of the House views with alarm the precedent afore-said, by the unseating of Meagher, of Vigo County; and

WHEREAS, The persistent endeavor to alter representative complexion in either House by the extravagant and extraordi-nary exercise of prerogative is always to be regarded as an el-ement of great public danger; and

WHEREAS, The Senate, on account of the great need of legis-lation to promote the interest of the benevolent and other in-stitutions of the State, is adverse to entering into a strained and technical examination of the membership of either House; therefore, be it

*Resolved*, That a Conference Committee be appointed to con-sist of five members from the House and an equal number from the Senate whose duty it shall be to confer together, and if pos-sible agree upon and report back to each branch of this Gen-eral Assembly some method of procedure by which to assure careful and proper consideration for the matters recited in the foregoing preamble and such determination as the demands thereof may seem to require.

HOWARD,  
Of Decatur and Shelby.

The resolution was read and Seneator Howard of Decatur moved its adoption.

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, and Mr. President. Total, 30.

Those voting in the negative were :

Senators Campbell, Davis, DeMotte, Drake, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Thompson of Jasper, and Winter. Total, 16.

So the resolution was adopted.

Senator Fowler moved to reconsider the vote by which the Senate Concurrent resolution was adopted.

The motion carried.

Senator Fowler offered the following amendment to Senate Concurrent Resolution No. 2 :

MR. PRESIDENT :

I move to strike out from Senate Concurrent Resolution No. 2, the following : "Whereas, The Senate, without questioning or criticising the prerogative of the House, view with alarm the precedent offered by the unseating of Cornealius Meagher, of Vigo County, and."

FOWLER.

The amendment was adopted.

Senator Fowler moved that the resolution as amended be adopted.

The ayes and noes being demanded and taken, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, Griffith, Hale, Howard

of St. Joseph, Johnson, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Trippet, Urmston, Zimmerman and Mr. President. Total, 29.

Those voting in the negative were :

Senators Campbell, Davis, DeMotte, Drake, Duncan of Tipton, Ensley, Harness, Huston, Kennedy, Macy, Marshall, Moon, Shroyer, Thompson of Jasper and Winter. Total, 15.

So the resolution as amended was adopted.

During the above roll call, when the Clerk called the name of Senator Drake, he used the following language, i. e.: As I am not in favor of compromising a wrong or compounding a felony, I vote no.

The President ordered the Secretary to take down the language used by the Senator.

Senator Moon declined to serve longer upon the Election Committee.

The following report of a list of witnesses and fees allowed them, was allowed and presented by the Election Committee, to-wit :

#### STATE OF INDIANA.

In the matter of the contest of L. F. Branaman against Wm. A. McDonald for a seat in the State Senate of Indiana, the following named persons were subpoenaed to testify as witnesses on behalf of the contestee, viz :

Wilbur C. Benton, Brownstown .....	\$9 00
Hamlin Smith, Brownstown.....	9 00
Frank Fassold, Brownstown .....	9 00
W. R. Stewart, Seymour.....	7 70
Wm. Bennett, Spraytown.....	9 70
Daniel Beden, Crothersville.....	8 70

We, Wilbur C. Benton, Hamlin Smith, Frank Fassold, W. R. Stewart, Wm. Bennett and Daniel Beden, each for himself swears that the amount set opposite his name above is the true

and correct amount of his actual expenses from their several places of residence to this city of Indianapolis, Indiana, and that we each testified as witnesses in the above entitled contest.

WILBUR C. BENTON,  
HAMLIN SMITH,  
FRANK FASSOLD,  
W. R. STEWART,  
WILLIAM BENNETT,  
DANIEL BEDEN.

Subscribed and sworn to before me this 17th day of January, 1887.

LEON O. BAILEY,  
Chairman Committee on Elections.

Attest: A. G. SMITH,  
President of the Senate.

Upon motion of Senator Sellers the Senate adjourned.

JOHN D. CARTER,  
Asst. Secretary State Senate.

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## TUESDAY MORNING.

JANUARY 18, 1887.

The Senate met in regular session at 10 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by the Rev. W. H. Wydman of the Seventh Street M. E. Church, Indianapolis.

The reading of the Journal was being proceeded with, and on motion of Senator Schloss, its further reading was dispensed with.

The President of the Senate announced that he had appointed the following committee of conference as per Concurrent Resolution No. 2, viz.:

Senators Howard of Decatur, French, Cox, Dresser, Macy.

Senator Schloss, from the Committee on Mileage, made the following report :

MR. PRESIDENT :

Your Committee on Mileage find, in their report, that Senator Tharp is entitled to sixty miles more than he is reported. We therefore recommend that the report be amended so as to allow Senator Tharp \$12.00 in addition to what was reported.

PHILLIP SCHLOSS,  
I. H. FOWLER,  
F. WINTER.

On motion of Senator Schloss, the report was adopted.

Senator Fowler offered the following resolution and moved its adoption :

*Resolved*, That at the hour of 2 o'clock P. M. to-day this body will, in pursuance of an act of the Congress of the United States, entitled "An act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, proceed to vote for Senator in the Congress of the United States for the term of six years from the 4th day of March, 1887, to succeed the Hon. Benjamin Harrison, the present incumbent.

FOWLER.

Resolution adopted.

The President referred claims for witness fees, etc., in contested election cases to a special committee of three, viz. :

Senators Fowler, Moon and Bryant.

Senator Fowler, from the special committee in reference to witness fees in contest of Simon P. Thompson, offered the following report and moved its adoption :

MR. PRESIDENT :

Your special committee to whom was referred certain witness fees in the election contest of Simon P. Thompson, would report that we have examined said claims and find them correct, and, therefore, recommend the payment of the same.

I. H. FOWLER,  
GEO. MOON,  
D. C. BRYANT.

So the resolution was adopted.

Senator Bailey, of the Committee on Elections, offered the following report of expenses incurred in contest case of Simon P. Thompson:

State of Indiana debtor to the following persons for expenses in going to and return from Indianapolis to testify in the election contest of Simon P. Thompson before the Senate Election Committee:

C. W. Hartley.....	\$18 30
J. Bottenburg.....	11 30
Geo. Blessing.....	13 30
B. Davidson .....	11 30
James Ford.....	11 30
Leroy Templeton .....	11 30
John Swan .....	11 30
John Scanlon.....	11 30
Lawrence Brow.....	9 80
Benjamin Scott.....	9 80
Horace Ross.....	9 80
Victor Ross.....	9 80
Aaron Hughes .....	9 80

STATE OF INDIANA, }  
MARION COUNTY. } ss.

We, and each of us, do solemnly swear that the amounts set opposite our names are correct and true.

J. BOTTENBERG,  
GEORGE A. BLESSING,  
JOHN SCANLON,  
LAWRENCE BROW,  
VICTOR ROSS,  
HORACE ROSS,  
JAMES FORD,  
AARON HUGHES,  
LEROY TEMPLETON,  
BENJAMIN SCOTT,  
JOHN W. SWAN,  
C. M. HARTLEY,  
BEN DAVIDSON.

Subscribed and sworn to before me this 18th day of January,  
A. D. 1887.

LEON O. BAILEY,  
Chairman Committee on Elections.

The President of the Senate submitted a message from the House, as follows :

**WHEREAS**, It is the unbroken precedent in the General Assembly of this State for the Senate and House to meet in joint convention in the hall of the House of Representatives; and,

**WHEREAS**, The convenience and comfort of members will be better subserved by meeting in said hall because of its greater capacity and convenience for the holding of joint conventions than in the Senate Chamber; and,

**WHEREAS**, In the belief that the long line of unbroken and uninterrupted precedents would not and should not be departed from in this instance, there being no necessity, apparent or real, therefor, preparation has been made for the accommodation and comfort of the Senators in this House at any and all such joint conventions that may be held. Therefore, be it

*Resolved*, That the Senate be, and is hereby, invited to meet the House of Representatives in the Hall of the House of Representatives, at 12 o'clock meridian, of Wednesday, the 19th inst., to proceed in the election of a Senator from this State to the Congress of the United States, and then to proceed therein from day to day, as the law directs.

Senator Trippet moved to refer the message to a committee of three.

Senator Huston moved to amend the motion by instructing the committee to report at 12 m., to-day.

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears, Smith of Wells, Winter. Total, 18.

Those voting in the negative were:

Senators Andrew, Bailey, Barrett, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson,



Rahm, Schloss, Shively, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, and Mr. President. Total, 27.

So the motion to amend was lost.

The question being on the original motion.

It was carried.

Senators Trippet, Logsdon and Winter were appointed by the President of the Senate as said special committee.

The following message was received from the House :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed Engrossed House Bill No. 132, a bill to fix the time of holding court in the Twelfth Judicial Circuit; also Engrossed House Bill 143, a bill legalizing the incorporation of the town of Orleans; also I am directed by the Speaker to inform the Senate that he has signed Enrolled House Act No. 77, an act legalizing the incorporation of the town of Boswell, and the same is herewith transmitted.

W. H. SMITH,  
Clerk.

Senator Winter offered Senate Resolution No. 41.

Senator Trippet moved that it be referred to the Committee on Judiciary, and upon the motion demanded the previous question.

The Senate seconded the demand for the previous question.

The question being, Shall the main question be now put ?

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald of Whitley, Mullinix, Peterson, Rahm, Schloss, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, and Mr. President. Total, 26.

Those voting in the negative were :

Senators Campbell, Davis, DeMotte, Drake, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Shroyer, and Winter. Total, 14.

So the motion carried.

The main question being put,

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, and Mr. President. Total, 26.

Those voting in the negative were :

Senators Campbell, Davis, DeMotte, Drake, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Shroyer, and Winter. Total, 14.

So the motion carried.

Senator Cox made a report from special committee as follows :

MR. PRESIDENT :

Your special committee appointed to investigate into the necessity of employing two extra pages for the Senate, beg leave to report that after a careful investigation unanimously recommend that the President appoint two additional pages for the Senate.

J. F. COX,  
I. H. FOWLER,  
F. WINTER,  
F. HUSTON,  
J. M. BARRETT.

Senator Campbell offered Senate Resolution No. 42, which was as follows :

WHEREAS, It is provided by the constitution and laws of the State of Indiana that the Senate of the State shall consist of

fifty members, one-half of whom are to be elected at the regular biennial election; and,

WHEREAS, Eli W. Brown was duly elected as one of the twenty-five Senators in November, 1884, for a term of four years to represent the district composed of the counties of Allen and Whitley, and accepted said office and served during the regular and special session of the General Assembly of 1885; and,

WHEREAS, Said Eli W. Brown still resides in said senatorial district, and has never resigned his office, nor has he been commissioned to hold any other office; and,

WHEREAS, Because of the fact that said Brown has been nominated by the President as postmaster to fill an office which he could accept only upon confirmation of the nomination by the U. S. Senate, which nomination has not been confirmed. A part of the voters of said senatorial district elected Hon. I. B. McDonald as Senator from said district, who now occupies the seat of said Eli W. Brown; and,

WHEREAS, By said pretended election of said McDonald twenty-six Senators were elected at the November election in 1886, which is in violation of the letter and spirit of the constitution; therefore,

*Be it resolved*, That Eli W. Brown is the duly elected and qualified Senator from the district composed of the counties of Allen and Whitley, and that the name of said I. B. McDonald shall be stricken from the roll of members of this Senate.

Resolution read and referred to the Committee on Judiciary.

Senator Fowler moved to amend by referring Resolution 42 to Committee on Judiciary.

The ayes and noes were ordered taken on the adoption of the amendment to Senator Campbell's motion to adopt Resolution No. 42, and resulted as follows:

Those voting in the affirmative were :

Senators Andrew, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, Hale, Howard of St. Joseph, Logsdon, McClure, Mullinix, Peterson, Schloss, Shively, Smith

of Wells, Thompson of Marion, Tharp, Trippet, Zimmerman, and Mr. President. Total, 28.

Those voting in the negative were:

Senators Campbell, Davis, DeMotte, Drake, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Rahm, Shroyer, Winter. Total, 15.

Motion carried.

Senator Drake moved that Richard Brown and John Hoffman be appointed as pages in the Senate.

Motion carried, and the President appointed the above-named pages.

Senator Johnson moved that the Senate adjourn.

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Campbell, Davis, DeMotte, Duncan of Tipton, Ensley, Hale, Huston, Johnson, Kennedy, Macy, Marshall, Winter. Total, 12.

Those voting in the negative were:

Senators Andrew, Barrett, Branaman, Bryant, Day, Drake, Duncan of Brown, Fowler, Harness, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Shroyer, Shively, Thompson of Marion, Trippet, Urmston, and Mr. President. Total, 23.

The motion was lost.

Senator Fowler introduced Senate Bill No. 123, entitled:

An act to amend section 3261 of the Revised Statutes of 1881.

Read first time and referred to Committee on Judiciary.

Senator McClure, from the Committee on Federal Relations, offered the following report on Senate Bill No. 92:

**MR. PRESIDENT:**

Your Committee on Federal Relations, to whom was referred Senate Bill No. 92, introduced by Senator Marshall, have had

the same under consideration and have directed me to report it back to the Senate with the following amendment: Strike out the second section, the emergency clause, and when so amended your committee recommend its passage.

The President of the Senate referred the claims of witnesses, etc., in the contested election case of Carr vs. Kennedy to the special committee of three:

Senators Fowler, Bryant and Moon.

The claims were as follows:

*The State of Indiana Dr.*

To the following named witnesses for their expenses, mileage and per diem in going to and returning, and their attendance upon the Election Committee of the Senate in the matter of the contest wherein Geo. A. Carr is the contestor and Archibald M. Kennedy, the Senator from Rush, is contestee. Each claim the amount set opposite their names respectively.

N. P. Howard, Sr .....	\$10 70
Noble Warrum .....	10 70
Uriah S. Jackson .....	10 70
Ephraim Marsh .....	10 70
Morgan Chandler. ....	5 50
David S. Gooding .....	5 50
John S. Dobbins.....	14 70
James W. Fry. ....	14 70
Lewis Corberly. ....	14 70
Taylor McPherson.....	14 70

*State of Indiana, Marion County:*

We, the undersigned, each for himself, do solemnly swear that the amount set opposite his name is a true statement of his expenses, etc.

Noble Warrum,  
John A. Dobbins,  
Taylor McPherson,  
Lewis W. Corberly,

W. S. Jackson,  
N. P. Howard,  
Ephraim Marsh,  
James W. Fry.

Subscribed and sworn to before me this 18th day of January, 1887.

LEON O. BAILEY,  
Chairman Committee on Elections.

Senator Fowler, Chairman of the Special Committee to Examine the Claims of Witnesses in the Contested Election Cases, reported as follows :

MR. PRESIDENT :

Your special committee to whom was referred certain witness fees in the contested election case of George A. Carr *vs.* Archibald M. Kennedy, would report that we have considered said claims and find them correct, and therefore recommend that the same be paid.

I. H. FOWLER,

GEO. MOON,

D. C. BRYANT.

Senator Fowler moved that the report of the committee be concurred in.

The motion carried.

Senator Campbell moved that the Senate do now adjourn.

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Hale, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Peterson, Shroyer, Trippet, Winter. Total, 17.

Those voting in the negative were :

Senators Andrew, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, Logsdon, McClure, McDonald, Mullinix, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Urmston, Weir, Zimmerman, and Mr. President. Total, 20.

So the motion to adjourn was lost.

The following message was received from the House :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the accompanying resolution, expressing the sense of the House as to the legality of the election of Col. R. S. Robertson as Lieutenant-Governor.

W. H. SMITH,

Clerk.

The Senate took no action on the resolution.

On motion of Senator Day the Senate adjourned.

## TUESDAY AFTERFOON.

JANUARY 18, 1887.

The Senate met pursuant to adjournment, Hon. A. G. Smith, President of the Senate, in the chair.

Senator Sellers arose to a question of privilege, and offered the following report from a majority of the Judiciary Committee:

MR. PRESIDENT:

A majority of your Committee on Judiciary, to whom was referred Senate Resolution No. 42, begs leave to report recommending that said resolution be indefinitely postponed.

SELLERS, Chairman.

BARRETT,

GRIFFITH,

FOWLER.

The report was concurred in.

Senator Bailey, chairman on Elections, presented the following claims for witness fees, per diem, etc., in the contested election case of David H. Patton *vs.* Simon P. Thompson, as follows:

STATE OF INDIANA, }  
*vs.*  
 SIMON P. THOMPSON. }

We were called as witnesses, and paid our railroad fare to and from Indianapolis,

Each .....	\$5 80
Hotel, each three meals at 75c .....	2 25

Total to each.....	\$8 05
--------------------	--------

M. U. Mahler.....	8 05
Clark Cook.....	8 05
Geo. I. Richmin .....	8 05
Henry S. Wains.....	8 05

Subscribed and sworn to before me this 17th day of January, 1887.

LEON O. BAILEY,  
 Chairman Committee on Elections.

The following report was presented by Senator Fowler from the special committee on claims of witnesses :

MR. PRESIDENT :

Your special committee, to whom was referred certain witness fees in the contested election case of Patton vs. Thompson, would report that they have examined the same, and find said fees correct. We, therefore, recommend the payment of the same.

I. H. FOWLER.

GEO. MOON.

D. C. BRYANT.

The report was concurred in.

Senator Sellers introduced Senate Bill No. 124, entitled :

A bill for an act entitled, "An act to amend section thirty-eight (38) of an act entitled, 'An act concerning proceedings in civil cases,' approved April 7, 1881, said section thirty-eight (38) being section two hundred and ninety-three (293) of the Revised Statutes of 1881, and declaring an emergency."

Read first time and referred to Committee on Judiciary.

Senator Davis introduced Senate Bill No. 125, entitled :

A bill for an act to regulate fire insurance companies doing business in the State of Indiana.

Read first time and referred to Committee on Insurance.

Senator Day introduced Senate Bill No. 126, entitled :

A bill for an act to amend section one of an act providing for a metropolitan police in all cities of twenty-nine thousand or more inhabitants.

Read first time and referred to Committee on Cities and Towns.

On motion of Senator Fowler, a recess was taken until 3:30 P. M.

The President called the Senate to order at 3:30 P. M.



The President of the Senate announced that he had been requested to state to the Senate that the Conference Committee who had the differences of the two houses under advisement would remain in statu quo until to-morrow morning, when, he was led to believe, the differences would be amicably settled.

Senator Rahm moved to take up the special order, which had been set for 2 o'clock P. M., viz: The nomination of a United States Senator.

The motion carried.

Senator Sellers took the floor and placed in nomination for the office of United States Senator, the Hon. David Turpie.

Senator McDonald seconded the nomination of the Hon. David Turpie.

Senator Huston placed in nomination the Hon. Benjamin Harrison for United States Senator.

Senator DeMotte seconded the nomination; also, Senator Kennedy.

Senator Zimmerman seconded the nomination of the Hon. David Turpie for the office of United States Senator.

The question being the election of a United States Senator in Congress from the State of Indiana, for the term of six years from March 4, 1887.

A roll of the Senate was called and resulted as follows:

Those voting for the Hon. David Turpie were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman and Mr. President. Total, 32.

Those voting for the Hon. Benjamin Harrison were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears, Thompson of Jasper, and Winter. Total, 18.

The President of the Senate announced that he had signed Enrolled House Bill No. 77.

On motion of Senator Weir the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

### WEDNESDAY MORNING.

JANUARY 19, 1887.

The Senate met in regular session at 10 o'clock, Hon. A. G. Smith, President of the Senate in the chair.

Opened with prayer by the Rev. Dr. Jeffries of the Baptist Church, of Indianapolis.

The reading of the Journal was being proceeded with when Senator Smith of Wells moved that the further reading of the Journal be dispensed with.

The President of the Senate directed the Assistant Secretary to read that part of the Journal relating to the election of a United States Senator on yesterday, which was read.

When the motion made by Senator Smith of Wells carried.

The President of the Senate appointed Senators Hale, Fowler and Davis a special committee to examine that part of the Journal relating to the ballot taken on yesterday for a United States Senator.

Senator French offered the following resolution :

*Resolved by the Senate,* That in the Joint Convention of the two Houses for the purpose of electing a United States Senator, the officers of the Senate shall have joint control with the officers of the House of the chamber in which said Joint Convention may be held.

By order of the President the Senate took a recess until 10:45 A. M.

At 10:45 A. M. the Senate was called to order by Hon. A. G. Smith, President of the Senate.

The Secretary called the roll of the Senate and all the members answered to their names.

Senator Trippet, from the Special Committee on invitation, offered the following report:

MR. PRESIDENT:

Your Special Committee, to whom was referred the invitation of the House to convene with the House in Joint Convention to vote for United States Senator, report that said invitation ought to be accepted.

OSCAR A. TRIPPET,  
Chairman.

Adopted.

Senator Hale, from the special committee appointed to examine a part of yesterday's journal in reference to the election of a United States Senator, offered the following report:

MR. PRESIDENT:

Your special committee appointed to examine the journal in relation to the election of United States Senator have examined the same and find it to be correct.

S. W. HALE, Chairman.

Senator Bailey, from the Committee on Elections, presented the following claim in the matter of the contested election case of C. K. Roberts against Simon P. Thompson.

We, the undersigned witnesses, subpoenaed to appear before the Election Committee of the Senate of Indiana, at Indianapolis, set out our several claims opposite our names as follows, to-wit:

James A. McKnight.....	\$8 05
John K. Douglas.....	8 05
Lee Dinwiddie.....	8 05
David L. Bishop.....	11 60

We, and each of us, do severally swear that the foregoing statement is a true and correct account of our actual expenses occasioned by our attendance before said committee.

LEE DINWIDDIE,  
DAVID L. BISHOP,  
JOHN K. DOUGLAS,  
JAMES A. MCKNIGHT.

Subscribed and sworn to before me this 18th day of January, 1887.

LEON O. BAILEY,  
Chairman of Election Committee.

Senator Fowler from the special committee on witness fees in contested election case of Roberts vs. Thompson made the following report:

MR. PRESIDENT:

Your special committee to whom was referred certain witness fees of witnesses who testified in the contested election case of Roberts vs. Thompson, report that we have examined said fees and find them correct. We, therefore, recommend the payment of the same.

I. H. FOWLER,  
GEO. MOON,  
D. C. BRYANT.

Senator Bailey, from the Committee on Elections, presented the following claim:

*Indiana State Senate:*

The following expenses were incurred by the undersigned in going to and returning from Indianapolis to testify before the Senate Committee on Elections in the contest of Patten vs. Thompson:

	R. R. Fare.	Hotel Bill.	Total.
Andrew Hall.....	\$8 60	\$3 00	\$11 60
Z. F. Little.....	9 00	3 00	12 00
John F. Brown.....	5 80	6 00	11 80

Subscribed and sworn to before me this 18th of January, 1887.

LEON O. BAILEY,  
Chairman Committee on Elections.

Senator Fowler, from the special committee on witness fees in the contested election case of Patten *vs.* Thompson, made the following report:

MR. PRESIDENT:

Your special committee to whom was referred certain witness fees of witnesses who testified in the contested election case of Patten *vs.* Thompson report that we have examined said fees and find them correct. We, therefore, recommend the payment of the payment of the same.

I. H. FOWLER,  
GEO. MOON,  
D. C. BRYANT.

The President of the Senate appointed Senators Fowler and Campbell a special committee to notify the House that the Senate was ready to proceed to the House of Representatives for the purpose of balloting for United States Senator.

The special committee appointed by the President to announce to the House that the Senate was ready to meet the House in joint convention for the purpose of balloting for United States Senator failed to report up to 12 o'clock M., whereupon the President of the Senate ordered the members of the Senate and its principal officers to repair, with the President, to the House of Representatives to there meet in joint convention for the purpose of electing a United States Senator in Congress from the State of Indiana for the term of six years, commencing March 4, A. D. 1887.

The Senate and House of Representatives of the Fifty-fifth General Assembly of the State of Indiana met in joint convention in the Hall of the House of Representatives at 12 o'clock, noon, on January the 19th, A. D., 1887.

Hon. A. G. Smith, President of the Senate, in the chair.

The joint convention being for the purpose of electing a Senator to the Congress of the United States for the State of Indiana for the term of six years, commencing March 4, 1887.

The roll of the Senate was called and all members were found to be present.

The roll of the House was then called and all the members thereof were found to be present.

The following agreement was read for the information of the joint convention :

Proposed by the committee of the Republican caucus to the Democratic members of the Fifty-fifth General Assembly, that by way of an orderly and amicable settlement of the difficulties relating to the joint convention, the President of the Senate, the Hon. A. G. Smith, shall call the joint convention to order, and then declare that the Speaker of the House shall conduct the subsequent proceedings, no legal right of the said Smith to be thereby waived or affected ; that thereupon the Speaker of the House shall preside over the deliberations of the joint convention ; that the roll of each House is to stand and be called as it existed on Tuesday, January 18, 1887, and each member thereon shall be called and shall actually vote and have his vote recorded ; that any member of the convention is to have the right to object to the name of any person upon the roll of either House being called, or against his being permitted to cast a vote, or against any further proceedings therein, and to protest against any vote being received and counted, or against any other act, and to have his protest and objection therefor entered upon the journals of both houses, the Senate to attend the joint convention, attended by its principal Door-keeper and its Secretary and Assistant Secretary only, without show of menace or force, and that the result of the balloting by said joint convention shall be announced by the said Smith, and the Speaker shall thereupon adjourn the joint convention. Colonel Robertson, in deference to the injunction of Judge Ayers, is to take no part in the holding of said joint convention, or in anywise to attempt to participate therein. The President of the Senate shall order the calling of the Senate roll, and the Speaker of the House the roll of the House. Any violation of the spirit and letter of this memorandum shall result in its abrogation. This agreement to be in force till the Senator is elected.

JEWETT,  
SELLERS,  
KELLISON,  
CAMPBELL,  
FRENCH,  
FOWLER,  
GARDINER,  
GORDON,  
JOHNSON.

Senator Rahm moved that the nomination of United States Senator be now in order.

The roll of each house was then read on the vote for United States Senator on yesterday, and there being no one elected by said vote the Speaker announced that there was no election by the separate vote of both houses.

Senator Rahm renewed his motion to go into the nomination of a United States Senator.

The motion carried.

Mr. Niblack, of Knox County, placed in nomination the Hon. David Turpie.

The nomination of the Hon. David Turpie was seconded by Mr. Parker, of Tipton County.

Senator Huston placed in nomination for United States Senator the Hon. Benjamin Harrison.

Mr. Griffiths, of Marion County, seconded the nomination of Hon. Benjamin Harrison.

Mr. Glover, of Vigo County, placed in nomination for United States Senator the Hon. Jason H. Allen, of Terre Haute.

Mr. Robinson, of Vigo County, seconded the nomination of the Hon. Jason H. Allen.

Senator Sellers moved that as the name of a Senator or Representative was called he should arise in his place and plainly announce his vote.

The motion carried.

Senator Johnson objected to and protested against the vote of Senator Branaman.

The Speaker announced that when the protest was reduced to writing it would be spread of record on the journals of both houses.

Senator Johnson protested against the vote of Senator I. B. McDonald, of Whitley.

The Speaker announced that when the protest was reduced to writing it would be spread of record on the journals of both houses.

Senator Johnson protested against the vote of Senator Smith, of Jennings.

The Speaker announced that when the protest was reduced to writing it would be spread of record on the journals of both Houses.

Senator Johnson announced that Senator McDonald, of Jackson and Lawrence, was on the floor and desired to vote for the Hon. Benjamin Harrison.

A notice of this was made part of the record by the agreement previously agreed upon.

Mr. Jewett objected to and protested against the vote of Senator Kennedy, of Rush County.

The roll of the Senate was called, and resulted as follows :

Those voting for the Hon. David Turpie were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Jennings, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir and Zimmerman. Total, 32.

Those voting for Hon. Benjamin Harrison were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears, Thompson of Jasper, and Winter. Total, 18.

Mr. Gardiner objected and protested against the vote of Mr. Beasley.

The Speaker announced that when the protest was reduced to writing it would be spread of record on the journal of both Houses.



Mr. Jewett protested against the vote of Mr. Dickerson.

The Speaker announced that when the protest was reduced to writing it would be spread of record on the journal of both houses.

Mr. Linck protested against the vote of Mr. Harrell.

The Speaker announced that when the protest was reduced to writing it would be spread of record on the journals of both houses.

Mr. Linck protested against the vote of Mr. Jewett.

The Speaker announced that when the protest was reduced to writing it would be spread of record on the journals of both houses.

Mr. Jewett protested against the vote of Mr. McCallum, stating that he was not entitled to a seat, and that his opponent would vote for Hon. David Turpie.

The Speaker announced that when the protest was reduced to writing it would be spread of record on the journals of both houses.

Mr. Jewett protested against the vote of Mr. Mackey, on the grounds of his not being a resident of Indiana.

The Speaker announced that when the protest was reduced to writing it would be spread of record on the journals of both houses.

Mr. Linck protested against the vote of Mr. Metzger.

The Speaker announced that when the protest was reduced to writing it would be spread of record on the journals of both houses.

Mr. Linck protested against the vote of Mr. Mock, because he was not entitled to a seat, and that his opponent would vote for the Hon. Benjamin Harrison.

The Speaker announced that when the protest was reduced to writing it would be spread of record on the journals of both houses.

Mr. Linck protested against the vote of Mr. Shields, because he was not entitled to a seat, and that his competitor would vote for Hon. Benjamin Harrison.

The Speaker announced that when the protest was reduced to writing it would be spread of record on the journal of both houses.

Mr. Linck protested against the vote of Mr. Stull, as he was not entitled to a seat, and that his opponent would vote for Hon. Benjamin Harrison.

The Speaker announced that when the protest was reduced to writing it would be spread of record on the Journal of both Houses.

Mr. Linck protested against the vote of Mr. Barnes, as he was not entitled to a seat, and said that his opponent would vote for Hon. Benjamin Harrison.

The Speaker announced that when the protest was reduced to writing it would be spread of record on the Journals of both Houses.

Senator Bailey objected to and protested against the votes of Senators Kennedy, Dresser, Harness, Thompson of Jasper, Shroyer, Campbell, Davis, DeMotte, Drake, Duncan of Tipton, Ensley, Huston, Johnson, Macy, Marshall, Moon, Sears and Winter.

The Speaker announced that when the protest was reduced to writing it would be spread of record on the Journals of both Houses.

Mr. Foster objected to and protested against the vote of Mr. Linck, of Jefferson County, and said his opponent would vote for the Hon. David Turpie.

The Speaker announced that when the protest was reduced to writing it would be spread of record on the Journals of both Houses.

Mr. Gordon objected to and protested against the vote of Mr. Ackerman, of Hancock County, as not entitled to a seat in this House, and that his opponent would vote for Turpie.

The Speaker announced that when the protest was reduced to writing it would be spread of record on the Journals of both Houses.

The roll of the House was called.

Those Representatives who voted for the Hon. Jason H. Allen were :

Messrs. Cates, Glover, Mackey, and Mr. Robinson. Total, 4.

Those Representatives who voted for the Hon. Benjamin Harrison were :

Messrs. Ackman, Alexander, Barnard, Briant, Brown, Buckles, Carrick of Clinton, Catey, Caven, Commons, Conder of Orange, Conger of Mariou, Covert, Davis, Dickerson, Dunn of Newton and Jasper, Fleece, Friend, Gardiner, Gough, Green, Griffiths, Grose of Fayette and Henry, Groves, Harley, Hobson, Howard, Kelley of Boone, Kelly of Lagrange, Kercheval, Klein, Leighty, Linck, Little, Loop, McCallum, McCray, McMath, Miller, Morse, Montgomery of Gibson, Nolin of Benton and Warren, Osborn, Oursler, Pleak, Reynolds, Scott, Sinclair, Stubblefield, Thompson, Trout, Van Slyke of Elkhart, Mr. Speaker.

The total number of votes cast for the Hon. Benjamin Harrison was 53.

Those Representatives who voted for the Hon. David Turpie were :

Messrs. Askren, Barnes, Beasley of Vermillion, Bertram of Starke, Blinks, Buskirk, Clark of Martin and Dubois, Connely, Cox of Cass and Miami, Cox of Miami, Cruson of Jennings and Scott, Cushman of Clarke, Floyd and Jefferson; Custer, Darroch, Foley, Foster, Galbraith, Garrison, Gordon, Harrell, Ibach, Jewett, Kellison, Major, Metzger, Mock, Montgomery of Owen, Niblack, Parker, Patten, Pierce of Adams, Jay and Blackford; Pleasants, Roberts, Schley, Selvey, Shambaugh, Shields, Stull, Sunman, Weyand, White, Whitworth, Worrall of Brown and Monroe.

The total number of votes cast for the Hon. David Turpie was 48.

The number of Representatives voting for the Hon. David Turpie was 48.

The number of Representatives voting for Hon. Benjamin Harrison was 53.

The number of Representatives voting for Hon. Jason H. Allen was 4.

The Hon. A. G. Smith, President of the Senate, announced the result of the first ballot as follows:

The number of Senators voting for Hon. David Turpie was	32
The number of Representatives voting for the Hon. David Turpie was .....	43
Total .....	<hr/> 75

The number of Senators voting for the Hon. Benjamin Harrison was .....	18
The number of Representatives voting for the Hon. Benjamin Harrison was .....	53
Total .....	<hr/> 71

The number of Senators voting for the Hon. Jason H. Allen was .....	0
The number of Representatives voting for the Hon. Jason H. Allen was .....	4
Total .....	<hr/> 4

Necessary to a choice 76 votes.

No one having received a majority of all the votes cast, the President of the Senate announced that the convention would proceed to another ballot.

Senator Winter moved that the Joint Convention do now adjourn.

The ayes and noes being demanded and taken, resulted as follows:

Those voting in the affirmative were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears, Thompson of Jasper, Winter.  
Total, 18.

Those voting in the negative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Grrffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Jennings, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman. Total, 32.

Those Representatives voting in the affirmative were:

Messrs. Ackman, Alexander, Barnard, Briant, Brown, Buckles, Carrick, Cates, Catey, Caven, Commons, Conder, Conger, Covert, Davis, Dickerson, Dunn, Fleece, Friend, Gardiner, Glover, Gough, Green, Griffiths, Grose, Groves, Harley, Hobson, Howard, Kelley of Boone, Kelly of Lagrange, Kercheval, Klein, Leighty, Linck, Little, Loop, McCallum, McCray, McMath, Mackey, Miller, Morse, Montgomery of Gibson, Nolin, Osborn, Oursler, Pleak, Reynolds, Scott, Sinclair, Stubblefield, Thompson, Trout, Van Slyke, Mr. Speaker. Total, 56.

Those voting in the negative were:

Representatives Askren, Barnes, Beasley, Bertram, Blinks, Buskirk, Clarke, Connelly, Cox of Cass, Cox of Miami, Cruson of Jennings, Cushman, Custer, Darroch, Foley, Foster, Galbraith, Garrison, Gordon, Harrell, Ibach, Jewett, Kellison, Major, Metzger, Mock, Montgomery of Owen, Niblack, Parker, Patten, Pierce, Pleasants, Roberts, Robinson, Schley, Selvey, Shambaugh, Shields, Stull, Sunman, Weyand, White, Whitworth, Worrall. Total, 44.

Senators voting in the affirmative were 18, Representatives voting in the affirmative were 56; total affirmative vote, 74.

The number of Senators voting in the negative was 32; the number of Representatives voting in the negative was 44; total negative vote, 76.

So the motion to adjourn was lost.

The second ballot was ordered and taken, and resulted as follows:

Those Senators voting for the Hon. David Turpie were :

Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Jennings, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, and Zimmerman. Total, 32.

Those voting for the Hon. Benjamin Harrison were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears, Thompson of Jasper, and Winter. Total, 18.

Those voting for for Hon. Jason H. Allen, none.

Those Representatives voting for the Hon. David Turpie were:

Messrs. Askren, Barnes, Beasley of Vermillion, Vigo and Sullivan, Bertram of Starke, Pulaski and Laporte, Blinks, Buskirk of Lawrence, Orange and Dubois, Clarke of Martin, Connelly, Cox of Cass, Cox of Miami, Cruson of Jennings, Cushman of Clarke, Custer, Darroch, Foley, Foster, Galbraith, Garrison, Gordon, Harrell, Ibach, Jewett, Kellison, Major, Metzger, Mock, Montgomery of Owen, Niblack, Parker, Pat-ten, Pierce of Adams, Pleasants of Ohio, Roberts, Schley, Selvey of Adams, Shambaugh, Shields, Stull, Sunman of Union, Weyand of Pulaski, White, Whitworth, Worrall of Brown. Total, 43.

Those Representatives voting for the Hon. Benjamin Harrison were :

Messrs. Ackman, Alexander, Barnard, Briant, Brown, Buckles, Carrick of Clinton, Catey, Caven, Commons, Conder of Orange, Conger of Marion, Covert, Davis, Dickerson, Dunn of Newton, Fleece, Friend, Gardiner, Gough, Green, Griffiths, Grose of Fayette, Groves, Harley, Hobson, Howard, Kelley of Boone, Kelly of Lagrange, Kercheval, Klein, Leighty, Linck, Little, Loop, McCallum, McCray, McMath, Miller, Morse, Montgomery of Gibson, Nolin of Benton, Osborn, Oursler, Pleak, Reynolds, Scott, Sinclair, Stubblefield, Thompson, Trout, Van Slyke of Elkhart, Mr. Speaker. Total, 53.

Those Representatives voting for the Hon. Jason H. Allen were:

Messrs. Cates, Glover, Mackey of Knox, Robinson of Putnam. Total, 4.

The number of Representatives voting for the Hon. David Turpie was 43; the number of Representatives voting for the Hon. Benjamin Harrison was 53; the number Representatives voting for the Hon. Jason H. Allen was 4.

The Hon. A. G. Smith, President of the Senate, announced the vote of the joint convention as follows:

The total number of votes cast for the Hon. David Turpie was 75; the total number of votes cast for the Hon. Benjamin Harrison was 71; the total number of votes cast for the Hon. Jason H. Allen was 4.

On motion of Senator Fowler, the joint convention adjourned until 12 o'clock m. to-morrow.

The Senate returned to the Senate Chamber at 2 o'clock and 15 minutes.

Senator Sellers moved that when the Senate adjourned it be until 10 o'clock Thursday morning, January 20, 1887.

The motion carried.

Upon the motion of Senator Sellers the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

## THURSDAY MORNING.

JANUARY 20, 1887.

The Senate met in regular session at 10 o'clock, Hon. A. G. Smith, President of the Senate, in the Chair.

Opened with prayer by the Rev. Dr. Lamport, of the M. E. Church, Indianapolis.

The reading of the Journal was being proceeded with, when Senator Schloss moved that its further reading be dispensed with.

When the President of the Senate ordered the reading of that part of the Journal relating to the proceedings of the joint convention, which was read by the Assistant Secretary,

On motion of Senator Sellers, the journal was corrected by inserting the names of the Representatives voting for the different candidates for United States Senator, in joint convention assembled.

Senator Bailey, Chairman of Committee on Elections, presented the following claims:

INDIANAPOLIS, January 18, 1887.

Theodore Hawkins and William Snyder, on their oaths, state that they received a subpoena by telegraph at Fowler, Indiana, at 1 o'clock A. M., signed by Leon Bailey, chairman of the Election Committee, and at that time the regular time for the passage of the midnight train had passed, and affiants could get no train until noon to-day, and they came in good faith as witnesses, pursuant to said telegram, and arrived at 4 P. M., and too late to have their testimony heard; that they each expended moneys as follows:

Railroad fare.....	\$5 80
One meal.....	75

And there is due pursuant to such dispatch to

Theodore Hawkins.....	\$6 55
William Snyder.....	6 55

[Signed,]

THEODORE HAWKINS,  
WM. SNYDER.

Subscribed and sworn to before me this, the 19th, day of January, 1887.

George M. Robinson, on oath, says that he was summoned by telegraph to attend as a witness in the contested election case of David H. Patton vs. Simon P. Thompson, on the night of January 17, 1887, and that owing to the blockade of trains by



snow, he was unable to reach the city of Indianapolis until the night of January 18, 1887, and that he came in good faith as a witness and expended for his railroad fare to and from this city the sum of \$7.

GEO. M. ROBINSON.

Subscribed and sworn to before me this 19th day of January, 1887.

John W. Powell, on oath, says that he lives at Rensselaer, Indiana, and was and is well acquainted with Simon P. Thompson, the contestee, and David H. Patton, the contestor, and that he was and is well acquainted with the methods used by each of said gentlemen to promote his election to the office of Senator, and at the request of the contestee and his agents and counsel he started from Rensselaer, Indiana, to Indianapolis to testify as a witness in said case on the 18th day of January, 1887, in good faith, and owing to the blockade of trains by snow did not reach the city until the night of the 18th, and in good faith expended for his railroad fare the sum of \$7; that he is a laboring man, and feels himself unable to lose his expenses so incurred, and asks that the same be allowed.

J. W. POWELL.

Subscribed and sworn to before me this 19th day of January, 1887.

LEON O. BAILEY,  
Chairman Committee on Elections.

## STATE OF INDIANA.

DAVID H. PATTON	}	<i>Contest for seat from Counties of Jasper, Newton and Benton.</i>
<i>vs.</i>		
SIMON P. THOMPSON.		

Be it remembered that on Monday evening, January 17, 1887, a subpoena was ordered for the witnesses of the contestee, and that owing to the delay in transmitting the summons by telegraph and the delay in trains, the following witnesses who

were summoned for the contestee failed to arrive until after the evidence closed, and they ask that their expenses be allowed, to-wit :

Theodore Hawkins, of Fowler, Ind.  
 William Snyder, of Fowler, Ind.  
 Geo. M. Robinson, of Rensselaer, Ind.  
 John W. Powell, of Rensselaer, Ind.

The contestee also, by instruction of the Chairman of the Election Committee, expended in telegraphing subpoenas the sum of..... \$4 00  
 The railroad fare of Theodore Hawkins..... 5 80  
 The railroad fare of Wm. Snyder..... 5 80  
 The railroad fare of Geo. M. Robinson..... 7 00  
 . Total expenses.....\$29 60

And the contestee hereto appends statements of said witnesses and asks that the said sums be allowed as legitimate expenses incurred in good faith by the contestee, in defending himself against the charge of bribery by the contestor. That all of said witnesses were material and competent witnesses, who had knowledge of facts and would have testified to the same, tending to clear the contestee from the charges preferred against him, and shown the contestor to have been not entitled to the seat for which the contest was made.

SIMON P. THOMPSON,

Contestee and Senator for Jasper, Newton and Benton.

January 19, 1887.

Senator Fowler, from the Special Committee on Fees and Salaries, offered the following report :

MR. PRESIDENT :

Your special committee to whom was referred certain witness fees of certain witnesses, called to testify in the contested election case of Patton vs. Thompson, would report that we have examined said fees and find them correct, and therefor recommend the payment of the same.

I. H. FOWLER,  
 GEO. MOON,  
 D. C. BRYANT.

Senator Sellers offered Senate Resolution No. 44, as follows :

WHEREAS, The Mexican Veterans' Association is now holding its annual meeting in this city ; therefore,

*Resolved*, That the members of said Association be invited to visit this Senate at 11 o'clock A. M. of this day, or as soon thereafter as may suit their convenience.

SELLERS.

The resolution was adopted.

Senator Fowler moved that all amendments to the Constitution and all concurrent resolutions proposing amendments to the Constitution be referred to the Committee on Judiciary, and that said committee be requested to report to-morrow at 10:30 o'clock A. M.

The following message was received from the House :

MR. PRESIDENT :

I am instructed by the House to inform the Senate that the House has passed Engrossed House Bill No. 166—a bill for the relief of Nathan Gilliat, of French Lick Township, Orange County—and the same is herewith transmitted to the Senate with a memorial on the same subject.

W. H. SMITH,  
Clerk.

A petition and memorial were transmitted to the Senate from the House on Engrossed House Bill No. 166, setting forth the distress of Nathan P. Gilliat on the night of April 1, 1884, Gilliat then being Trustee of French Lick Township, Orange County, Indiana, consisting in the destruction of his residence by fire, at which time certain township funds were burned ; also, on the night of December 4, 1885, and said Gilliat, said Trustee of said township, was robbed of six hundred and sixty-five dollars, the funds of said township, in which said memorial numerous citizens of said township, county and State asked that he be released from all liability on account of said loss.

[Signed by,]

WILLIAM CHARLES, et al.

Senator Hale introduced the following resolution :

JANUARY 20, 1887.

MR. PRESIDENT :

As it is indispensably necessary that the Committee on Phraseology, Arrangement of Bills and Unfinished Business should have a clerk for said committee; therefore, be it

*Resolved*, That the chairman of said committee is hereby authorized to appoint William S. Smith as permanent clerk for said committee.

The resolution was adopted.

Senator Thompson of Marion offered Senate Resolution No. 46, as follows :

*Resolved*, That the Door-keeper of the Senate be allowed a messenger to attend to errands and wait upon committees when in session, and that he be authorized to employ such messenger, the compensation to be the same as that of other employes under him.

*Resolved*, That the said Door-keeper be and is hereby authorized to employ as such messenger Mr. Jacob Aug, the son of a deceased soldier, and upon whom is dependent a widowed mother and three small brothers.

The resolution was tabled.

Senator Johnson offered Senate resolution No. 47, as follows :

WHEREAS, The depriving of any member of this Senate of his seat herein is an act fraught with grave consequences, not only to the member himself, but also to the people at large; and,

WHEREAS, It is highly important that each Senator upon this floor shall enjoy every reasonable facility for information upon such matters before being called upon to vote thereon; and,

WHEREAS, The practice of voting upon the right of a member to his seat immediately following the report of the Committee on Elections, without opportunity for reflection or mutual interchange of views and opinions is not always conducive to intelligent action; therefore, be it

*Resolved*, That it is the Sense of this Senate that in all contested election cases hereafter reported to this body by the Committee on Elections a fair and reasonable opportunity should be afforded to the members of this Senate to express their views and discuss the questions involved in such reports before final action is had thereon.

Senator Campbell moved that a committee of three be appointed to conduct the Mexican war veterans into the Senate Chamber.

Motion carried.

The President appointed Senators Campbell, Weir and McDonald as said committee.

The committee conducted the Mexican veterans into the Senate Chamber, and they were received by the President, who tendered them the freedom of the Senate Chamber.

General Manson responded to the President's address of welcome.

Major McFadden also thanked the Senate for the reception tendered them.

Senator Thompson of Marion made the following report from Committee on Cities and Towns:

MR. PRESIDENT:

Your committee to whom was referred Senate Bill No. 85, beg leave to report that they have had the same under consideration, and recommend that the bill do pass with the following amendment, to-wit: Insert the word "any" instead of the word "said" after the words "fronting on" in line one of page two of said bill; insert the words "wholly within the corporate limits of said town" after the word "street" in line two of page two of said bill; insert after the word "same" in line seven of page two of said bill the following words: "*Provided, further*, That said Board of Trustees shall first give notice to said non-residents of the proposed improvement by publication for three successive weeks in some weekly newspaper of general circulation in the county; or, if there be no such newspaper, by putting up written or printed notice thereof in five public places in said county.

[Signed,]

W. CLINTON THOMPSON,  
Chairman Committee on Cities and Towns.

Senator Hale, chairman of Committee on Inspection of Journal, made the following report:

MR. PRESIDENT:

Your Committee on the Inspection and Supervision of the Journal of the Senate beg leave to report that they have examined said Journal of Saturday, January 15, and Monday, the 17th, and Tuesday, January the 18th, and find the same correct.

S. W. HALE,  
Chairman.

Senator Bryant, chairman of Committee on County and Township Business, made the following report on Senate Bill No. 31:

MR. PRESIDENT:

Your Committee on County and Township Business have had under consideration Senate Bill No. 31, and report the same back to the Senate, with the recommendation that the bill do pass.

D. C. BRYANT,  
Chairman.

Senator Harness introduced Senate Bill No. 127, entitled:

An act empowering cities and towns to regulate natural gas.

Read first time and referred to Committee on Cities.

Senator Schloss introduced the following resolution, and moved its adoption:

MR. PRESIDENT:

*Resolved*, That the State Superintendent of Public Instruction be and hereby is instructed to report to the Senate at his earliest convenience the amount of revenue annually derived from the common school and congressional township funds, and also the proceeds of the sixteen-cent tax, as provided in section 4465 of the school law annually since 1870.

SCHLOSS.

Resolution adopted.

Senator Barrett introduced Senate Bill No. 128, entitled :

A bill for an act to amend section 19 of an act entitled an act touching the relation of guardian and ward, approved June 9, 1852, being section 2533 of the Revised Statutes of 1881.

Read first time and referred to Committee on Judiciary.

Senate Resolution No. 47 was taken up and being discussed, when its further consideration was postponed and made the special order of business for 2 o'clock P. M.

A roll of the Senate was called and all the members found to be present.

The President appointed Senators Campbell and Fowler a special committee to notify the House of Representatives that the Senate was now ready to repair to the Hall of the House of Representatives for the purpose of meeting in joint convention to nominate a United States Senator in Congress.

Senator Campbell, of the Special Committee, informed the President of the Senate that the House of Representatives would be ready to receive the Senate at 12 o'clock.

At 12 o'clock the Senate repaired to the Hall of the House of Representatives for the purpose of meeting with the House in joint convention for the purpose of balloting for a United States Senator in Congress from the State of Indiana for the term of six years, beginning March 4, 1887.

The Senate returned to the Senate Chamber at 12:30 o'clock P. M.

The Senate and House of Representatives of the Fifty-fifth General Assembly of the State of Indiana met in joint convention pursuant to adjournment at 12 o'clock, noon, January 20, A. D. 1887.

Hon. A. G. Smith, President of the Senate, called the joint convention to order and requested a roll call of each House to ascertain if any were absent.

On the roll of Senate being called all the members were found to be present.

On the roll of the House being called all the members thereof were found to be present.

On motion of Senator Winter, the reading of the minutes of the Joint Convention of yesterday was dispensed with.

Mr. Gordon withdrew his objection and protest to the vote of Mr. Ackman.

It was ordered that the protests of yesterday stand throughout the balloting on each and every ballot taken and that they all be filed as applying to the final and last ballot.

The Speaker of the House announced that it was now in order to ballot for a United States Senator, whereupon, the Hon. A. G. Smith, President of the Senate, ordered a roll-call of the Senate on the third ballot for United States Senator, which resulted as follows:

Those voting for the Hon. David Turpie were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Jennings, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman. Total, 82.

Those voting for the Hon. Benjamin Harrison were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears, Thompson of Jasper, Winter. Total, 18.

Those Senators voting for the Hon. Jason H. Allen was none.

The Speaker of the House ordered a roll-call of the House of Representatives which resulted as follows:

Those Representatives voting for Hon. David Turpie were:

Messrs. Askren, Barnes, Beasley, Bertram, Blinks, Buskirk, Clarke, Connely, Cox of Cass and Miami, Cox of Miami, Cru-son, Cushman, Custer, Darroch, Foley, Foster, Galbraith, Gar-ri-son, Gordon, Harrell, Ibach, Jewett, Kellison, Major, Metzger, Mock, Montgomery of Owen, Niblack, Parker, Patten, Pierce, Pleasants, Roberts, Schley, Selvey, Shambaugh, Shields, Stull, Sunman, Weyand, Whitworth, Worrall. Total, 43.



Those Representatives voting for the Hon. Benjamin Harrison were:

Messrs. Ackman, Alexander, Barnard, Briant, Brown, Buckles, Carrick, Catey, Caven, Commons, Conder, Conger, Covert, Davis, Dickerson, Dunn, Fleece, Friend, Gardiner, Gough, Green, Griffiths, Grose, Groves, Harley, Hobson, Howard, Kelley of Boone, Kelly of Lagrange, Kercheval, Klein, Leighty, Linck, Little, Loop, McCallum, McCray, McMath, Miller, Morse, Montgomery of Gibson, Nolin, Osborn, Oursler, Pleak, Reynolds, Scott, Sinclair, Stubblefield, Thompson, Trout, Van Slyke, Mr. Speaker. Total, 53.

The Representatives voting for the Hon. Jason H. Allen were:

Messrs. Cates, Glover, Mackey, Robinson. Total, 4.

The Hon. A. G. Smith, President of the Senate, announced that the number of Senators voting for the Hon. David Turpie was..... 32

The number of Representatives voting for Hon. David Turpie was..... 43

Total number of votes for Turpie ..... 75

The number of Senators voting for the Hon. Benjamin Harrison was..... 18

The number of Representatives voting for the Hon. Benjamin Harrison was..... 53

Total number of votes for Harrison ..... 71

The number of Senators voting for Hon. Jason H. Allen was 0

The number of Representatives voting for Hon. Jason H. Allen was..... 4

Total number of votes for Allen ..... 4

Hon. A. G. Smith, President of the Senate, announced that no one had received a majority of the votes cast and that there was no election.

On motion of Senator Weir the Joint Convention adjourned.

On motion of Senator Weir the Senate adjourned.

## THURSDAY AFTERNOON.

JANUARY 20, 1887.

The Senate met pursuant to adjournment, Hon. A. G. Smith, President of the Senate, in the chair.

Senator Weir offered Senate Resolution No. 49 as follows :

*Resolved*, That the Secretary of the Senate be authorized to provide the Committee on Claims with a record book in which shall be kept a correct statement of all claims and the action of the committee thereon, and which be returned to the State Librarian upon the adjournment of the present session to be preserved for future use.

Resolution adopted.

Two o'clock P. M. having arrived, the special order was taken up which had been set for this hour, it being Senate Resolution No. 47.

The President of the Senate stated that the construction put upon Resolution No. 47 should not change any of the rules of the Senate.

Senator Shively moved to lay Resolution No. 47 on the table.

The ayes and noes being demanded and taken, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Branaman, Bryant, Hale, Howard of Decatur, Logsdon, McClure, Schloss, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Zimmerman. Total, 17.

Those voting in the negative were :

Senators Barrett, Berry, Campbell, Cox, Davis, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, French, Griffith, Harness, Howard of St. Joseph, Huston, Johnson, Kennedy, Macy, Mashall, McDonald, Moon, Peterson, Rahm, Shroyer, Sears, Sellers, Thompson of Jasper, Urnston, Winter, Weir. Total, 33.

So the motion did not prevail.

Senator McDonald offered the following amendment :

*Provided*, That the construction and spirit of this resolution shall in no wise conflict with the standing rules of the Senate, or reflection upon any action heretofore had and done by the Senate.

I. B. McDONALD.

The amendment was accepted.

The question being upon the adoption of Senate Resolution No. 47, as amended.

The resolution was adopted.

Senator Bailey introduced the following resolution :

*Resolved*, That a committee of four be appointed, two upon the part of the Senate and two upon the part of the House, to inquire into the reason why the elevator of this Capitol building is not kept running and in use.

*Resolved*, That such committee be instructed to report, by concurrent resolution or otherwise, any action that may be necessary to secure the immediate service of said elevator.

Resolution adopted.

Upon the motion of Senator Sellers, the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

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## FRIDAY MORNING.

JANUARY 21, 1887.

The Senate met in regular session at 10 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by the Rev. H. A. Edson, of Memorial Presbyterian Church, Indianapolis.

The reading of the journal was being proceeded with, when Senator Rahm moved that its further reading be dispensed with.

The President of the Senate directed that that part of the journal relating to the proceedings of the joint convention of yesterday be read.

The journal of the joint convention of yesterday was read and approved.

The question recurring on the motion of Senator Rahm to dispense with the further reading of the journal.

The motion carried.

Senator Rahm, from the Committee on Benevolent and Reformatory Institutions, made the following report on Senate Bill No. 76:

JANUARY 20, 1887.

MR. PRESIDENT:

Your Committee on Benevolent and Reformatory Institutions, to whom was referred Senate Bill No. 76, introduced by Senator Shroyer, beg leave to report that they have had the same under consideration, and direct me to report the same back to the Senate, with a recommendation that it do pass.

RAHM,  
Chairman.

Senator Rahm offered the following report on Senate Bill No. 61:

MR. PRESIDENT:

Your Committee on Benevolent and Reformatory Institutions, to whom was referred Senate Bill No. 61, beg leave to report that they have had the same under due consideration, and directed me to report the same back to the Senate, with a recommendation that it do pass.

RAHM,  
Chairman.

JANUARY 18, 1887.

Senator Rahm, from the Committee on Benevolent and Reformatory Institutions, made the following report on Senate Bill No. 6:

MR. PRESIDENT:

Your Committee on Benevolent and Reformatory Institutions, to whom was referred Senate Bill No. 6, introduced by

Senator McDonald of Allen and Whitley, beg leave to report that they have had the same under due consideration, and directed me to report the same back to the Senate, with the recommendation that it do pass.

RAHM,  
Chairman.

Senator Tharp offered the following report on Senate Bill No. 29:

MR. PRESIDENT:

Your Committee on Mines and Mining have had under consideration Senate Bill No. 29, and recommend that the same do pass after striking out section 6 of said bill.

[Signed,]

C. K. THARP,  
Chairman.

Senator Tharp presented the following report on Senate Bill No. 33:

MR. PRESIDENT:

Your Committee on Mines and Mining, to whom Senate Bill No. 33 was referred, have had the same under consideration, and recommend that the bill do pass.

[Signed,]

C. K. THARP,  
Chairman.

Senator Rahm moved that 200 copies of Senate Bill No. 108 be printed.

The motion prevailed.

The Committee on Judiciary asked for further time to make report on the matter of amendments to the Constitution, on which they were to report to-day.

Further time was granted.

Senator McDonald introduced the following concurrent resolution, and moved its adoption:

WHEREAS, There has been much misunderstanding and controversy concerning the duties, services and payment of the stenographic report; therefore, be it

*Resolved by the Senate, the House of Representatives concurring,*  
That the Joint Committee on Claims be instructed to consider the necessity of passing some law appointing a State Legislative Stenographer, by which his duties and proper compensation can be justly regulated as Official Reporter of the Legislative Sessions of the State, and that said committee report by bill, or otherwise, at an early day.

I. B. McDONALD.

Resolution adopted.

Senator Sears presented resolutions from the H. D. Washburn Post, No. 220, G. A. R., of Dana, Ind., requesting that a law be passed separating the soldiers' orphans from the feeble-minded, and restore the Home to the purposes and uses for which it was originally intended.

[Signed,]

J. B. FILLINGER,

Commander.

J. N. McCLURE,

Adjutant.

Referred to Committee on Benevolent and Reformatory Institutions.

Senator Sears presented resolutions from H. D. Washburn Post, No. 220, of Dana, Ind., requesting that an appropriation be made, of not less than two hundred thousand dollars, for the erection of a soldiers' and sailors' monument in an appropriate place in the city of Indianapolis.

J. B. FILLINGER,

Commander.

J. N. McCLURE,

Adjutant.

Referred to Committee on Benevolent and Reformatory Institutions.

Senator Sears presented a temperance petition as follows:

COLOMA LOCAL OPTION CLUB,  
January 15, 1887.

WHEREAS, The organization of this club was for the purpose of restraining, and, if possible, stopping the enormous evil caused by the sale of intoxicating liquors; therefore,

*Resolved*, That we instruct our Senator and Representative in the Legislature now assembled to use all right means to enact some good local option laws for the restraining of the traffic, and shall observe with intense interest your faithfulness in these respects.

WILL T. BARTON,  
Secretary.

LATON ALLEN,  
President.

Referred to Committee on Temperance.

A communication was received and read from the Library Association, as follows:

PUBLIC LIBRARY,  
INDIANAPOLIS, Jan. 19, 1887.

*To the President and Members of the State Senate of Indiana:*

GENTLEMEN—By a resolution of the Library Committee the use and privileges of the public library of Indianapolis are extended to the members of the General Assembly of the State of Indiana, during its sessions, upon the same conditions as to residents of the city. A copy of the catalogue of the library has been placed in the care of the Doorkeeper of each house for the use and convenience of the members.

Respectfully,

W. DEM. HOOPER,  
Librarian and Secretary.

Said communication was ordered to be spread of record on the Journal.

Senator Griffith presented a petition from the Dearborn County Teachers' Association in regard to the election of County Superintendents.

Read and referred to Committee on Education.

Senator Thompson of Jasper, offered a communication from Rose Lawn Post No. 253, Department of Indiana, G. A. R., asking Senators and Representatives to give their support to a bill to establish a Soldiers' and Sailors' Orphan Home, the same being signed by George F. Smith, P. C., and attested by A. M. Boyle, Post Adjutant.

Referred to Committee on Benevolent and Reformatory Institutions.

Senator Macy offered Senate Resolution No. 50 :

*Resolved*, That the Secretary of the Senate be directed to order of the Contractor for Public Printing, one each of the Keystone Legislative Bill Files for House and Senate Bills for each member of the Senate.

Referred to Committee on Finance.

The following message was received from the House :

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has adopted Senate Concurrent Resolution No. 4, providing for the appointment of a joint committee to secure the operation of the elevator, and the same is herewith transmitted.

I am also instructed by the Speaker to inform the Senate that he has appointed as such committee on the part of the House, Messrs. Linck and Gordon.

W. H. SMITH,  
Clerk.

The President of the Senate, in compliance of Concurrent Resolution No. 4, appointed Senators Bailey and Marshall as a special committee on elevator.

The following message was received from the House:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 105 :

A bill for the relief of Samuel Dickerson.

And the same is herewith transmitted to the Senate, together with a memorial on the same subject.

W. H. SMITH,  
Clerk.

Senator Davis introduced Senate Bill No. 129, entitled :

A bill for an act to exempt pension money from sale on execution or other process, and declaring an emergency.

Read a first time and referred to Committee on Federal Relations, Rights and Privileges.



Senator Duncan of Tipton introduced Senate Bill No. 130, entitled :

An act to amend an act entitled an act to amend an act entitled an act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing fees for said officers, establishing, locating township libraries, and prescribing penalties therein, etc.

Read a first time and referred to Committee on Education.

Senator Ensley introduced Senate Bill No. 131, entitled :

A bill for an act granting pensions to certain Union soldiers.

Read first time and Referred to Committee on Federal Relations.

Senator Fowler introduced Senate Bill No. 132, entitled :

An act to prevent the payment of wages in scrip or selling goods to employes at excessive prices, providing penalties and declaring an emergency.

Read a first time and referred to the Committee on Mines, Mining and Manufactures.

Senator Harness introduced Senate Bill No. 133, entitled :

An act to amend Section 8 of the drainage act of 1885.

Read first time and referred to Committee on Swamp Lands and Drains.

Senator Howard of St. Joseph introduced Senate Bill No. 134, entitled :

An act for the issue of drainage bonds.

Read first time and referred to Committee on Swamp Lands and Drainage.

Senator Johnson introduced Senate Bill No. 135, entitled :

An act to amend section number 1 of an act entitled an act to amend section number 16 of an act entitled an act concerning real property and the alienation thereof, approved May 6,

1852, approved March 11, 1875, section hereby amended being section number 2931 of the Revised Statutes of 1881.

Read first time and referred to Committee on Judiciary.

Senator Peterson introduced Senate Bill No. 136, entitled:

A bill providing for recovering illegal fees from public officers, defining illegal fees, giving attorneys' fees and costs in circuit courts, and declaring an emergency.

Read a first time and referred to Committee on Fees and Salaries.

Senator Rahm introduced Senate Bill No. 137, entitled:

A bill for an act defining what are charitable or benevolent associations, and to exempt from taxation the property or money of such corporation, association or organization.

Which was read a first time and referred to the Committee on Judiciary.

Senator Winter introduced Senate Bill No. 138, entitled:

An act to create an appellate court and define its jurisdiction and procedure, and declaring an emergency.

Read first time and referred to Committee on Judiciary.

Senator Weir introduced Senate Bill No. 139, entitled:

An act to amend section 4 of an act entitled an act fixing certain fees to be taxed in the offices, and the salaries of the officers therein named, providing for certain employes in certain public offices, and fixing their compensation, defining certain duties and liabilities of officers and persons therein named, providing for the disposition of certain moneys, making certain appropriations, declaring certain violations of the provisions of this act to be a penal offense and prescribing the punishment, and repealing all conflicting laws, approved March 31, 1879, and declaring an emergency.

Read a first time and referred to Committee on Fees and Salaries.

Senator Campbell introduced Senate Bill No. 140, entitled :

A bill for an act to amend section 1, of article 1, of an act concerning general elections, being section 4678 of the Revised Statutes of 1881.

Which was read a first time and referred to the Committee on Judiciary.

Senator Shroyer introduced Senate Bill No. 141, entitled :

A bill for an act to amend an act entitled : An act regulating insanity inquests and the committal of insane persons to hospitals for the insane and their discharge therefrom ; approved April 14, 1881.

Read first time and referred to Committee on Benevolent and Reformatory Institutions.

Senator Rahm introduced Senate Bill No. 142, entitled :

A bill for an act providing for the organization and administration of the additional Hospital for the Insane.

Read first time and referred to Committee on Benevolent and Reformatory Institutions.

A House resolution was received from the House of Representatives by the Senate in relation to the office of the Lieutenant Governor.

The President ordered that said resolution be returned to the House without action on part of the Senate, because it was neither a joint nor concurrent resolution.

The following message was received from the House :

**MR. PRESIDENT :**

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 182, a bill to fix the time of holding court in the 12th judicial circuit. Also, Engrossed House Bill No. 148, a bill legalizing the incorporation of the town of Orleans.

Also, I am directed by the Speaker to inform the Senate that he has signed Enrolled House Act No. 77, an act legalizing the incorporation of the town of Boswell ; and the same are herewith transmitted.

W. H. SMITH,  
Clerk.

Senator McDonald asked that Senate Bill No. 6 be taken up, which was done, and was read a second time and the report of the committee was concurred in.

Senator Zimmerman moved to amend Senate Bill No. 6 as follows:

**MR. PRESIDENT :**

I move to amend Senate Bill No. 6, section 2, line 21, to read "three hundred" instead of "five hundred."

ZIMMERMAN.

The amendment was lost.

Pending the discussion of Senate Bill No. 6,

The President of the Senate announced that the Senate would prepare to attend the joint convention of the two Houses.

The roll of the Senate was called and all the Senators were found to be present.

Senators Campbell and Fowler were appointed a committee to inform the House of Representatives that the Senate was ready to meet the House in joint convention.

A message from the House was read by its Principal Clerk as follows:

**MR. PRESIDENT :**

I am instructed by the House to inform the Senate that the House passed Engrossed House Bill No. 191, a bill to fix the time of holding courts in the Fourth Judicial Circuit, and the same is herewith transmitted to the Senate, together with a memorial concerning the same.

W. H. SMITH,  
Clerk.

Senator Campbell, of the special committee, reported that the House of Representatives would be ready to receive the Senate at 12 o'clock noon.

At 12 o'clock noon the Senate repaired to the Hall of the House of Representatives to meet with the House in Joint Convention.

The Senate and House met in Joint Convention, pursuant to adjournment, at 12 o'clock noon, January 21, 1887.

Hon. A. G. Smith, President of the Senate, called the Joint Convention to order, and ordered the Secretary of the Senate to call the roll of the Senate, which being done, all the Senators were found to be present.

The Speaker of the House ordered the Clerk to call the roll of the House, which being done, all the members thereof were found to be present.

On motion of Mr. Jewett, the reading of the minutes of the Joint Convention of yesterday was dispensed with.

The Hon. A. G. Smith, President of the Senate, announced that the next thing in order was to ballot for a United States Senator, and ordered a roll call of the Senate, which resulted as follows :

Those voting for the Hon. David Turpie for Senator were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Jennings, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, and Zimmerman. Total, 32.

Those voting for the Hon. Benjamin Harrison for Senator were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears, Thompson of Jasper, and Winter. Total, 18:

Those Senators voting for the Hon. Jason H. Allen for Senator were none.

The Speaker of the House ordered a roll-call of the House, which being done resulted as follows:

Those Representatives voting for the Hon. David Turpie were :

Messrs. Askren, Barnes, Beasley, Bertram, Blinks, Buskirk, Clarke, Connely, Cox of Cass and Miami, Cox of Miami, Cru-son, Cushman, Custer, Darroch, Foley, Foster, Galbraith, Gar-ri-son, Gordon, Harrell, Ibach, Jewett, Kellison, Major, Metzger, Mock, Montgomery of Owen, Niblack, Parker, Patten, Pierce, Pleasants, Roberts, Schley, Selvey, Shambaugh, Shields, Stull, Sunman, Weyand, White, Whitworth, Worrall. Total, 48.

Those Representatives voting for the Hon. Benjamin Harrison were :

Messrs. Ackman, Alexander, Barnard, Briant, Brown, Buck-les, Carrick, Catey, Caven, Commons, Conder, Conger, Covert, Davis, Dickerson, Dunn, Fleece, Friend, Gardiner, Gough, Green, Griffiths, Grose, Harley, Hobson, Howard, Kelley of Boone, Kelly of Lagrange, Kercheval, Klein, Leighty, Linck, Little, Loop, McCallum, McCray, McMath, Miller, Morse, Montgomery of Gibson, Nolin, Osborn, Oursler, Pleak, Rey-nolds, Scott, Sinclair, Stubblefield, Thompson, Trout, Van Slyke, and Mr. Speaker. Total, 58.

Those Representatives voting for the Hon. Jason H. Allen were :

Messrs. Cates, Glover, Mackey and Robinson. Total, 4.

The Hon. A. G. Smith, President of the Senate, announced the total joint vote as follows :

The Hon. David Turpie received 75 votes; the Hon. Benja-min Harrison received 71 votes; the Hon. Jason H. Allen re-ceived 4 votes. The foregoing ballot being the 4th ballot taken.

No one having received a majority of all the votes cast, the President of the Senate announced that there was no election.

Senator Huston moved that the joint convention adjourn.

The question being put, a rising vote was taken, and the motion was lost.

The Hon. A. G. Smith, President of the Senate, ordered a roll call of the Senate on the fifth joint ballot which resulted as follows :

Those voting for the Hon. David Turpie for Senator were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Jennings, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir and Zimmerman. Total, 32.

Those voting for the Hon. Benjamin Harrison for Senator were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears, Thompson of Jasper and Winter. Total, 18.

Those Senators voting for the Hon. Jason H. Allen for Senator were none.

The Speaker of the House ordered a roll-call of the House, which resulted as follows:

Those Representatives voting for the Hon. David Turpie were:

Messrs. Askren, Barnes, Beasley, Bertram, Blinks, Buskirk, Clarke, Connely, Cox of Cass and Miami, Cox of Miami, Cruson, Cushman, Custer, Darroch, Foley, Foster, Galbraith, Garrison, Gordon, Harrell, Ibach, Jewett, Kellison, Major, Metzger, Mock, Montgomery of Owen, Niblack, Parker, Patten, Pierce, Pleasants, Roberts, Schley, Selvey, Shambaugh, Shields, Stull, Sunman, Weyand, White, Whitworth and Worrall. Total, 43.

Those Representatives voting for the Hon. Benjamin Harrison were:

Messrs. Ackman, Alexander, Barnard, Briant, Brown, Buckles, Carrick, Catey, Caven, Commons, Conder, Conger, Covert, Davis, Dickerson, Dunn, Fleece, Friend, Gardiner, Gough, Green, Griffiths, Grose, Groves, Harley, Hobson, Howard, Kelley of Boone, Kelly of Lagrange, Kercheval, Klein, Leighty, Linck, Little, Loop, McCallum, McCray, McMath, Miller, Morse, Montgomery of Gibson, Nolin, Osborn, Oursler, Pleak, Reynolds, Scott, Sinclair, Stubblefield, Thompson, Trout, Van Slyke and Mr. Speaker. Total, 53.

Those Representatives voting for the Hon. Jason H. Allen were :

Messrs. Cates, Glover, Mackey and Robinson. Total, 4.

The Hon. A. G. Smith, President of the Senate, announced the result of the fifth joint ballot as follows :

The Hon. David Turpie received 75 votes; the Hon. Benjamin Harrison received 71 votes; the Hon. Jason H. Allen received 4 votes.

No one having received a majority of all the votes cast there was no election.

On motion of Senator Winter the joint convention adjourned.

The members of the Senate returned to the Senate Chamber at 12:35 P. M.

Senator Bailey moved that when the Senate adjourn, it adjourn until 2:30 P. M.

Motion carried.

Upon motion of Senator Bailey, the Senate adjourned.

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## FRIDAY AFTERNOON.

JANUARY 21, 1887.

The Senate met pursuant to adjournment at 2:30 o'clock.

Hon. A. G. Smith, President of the Senate, in the chair.

The President of the Senate presented a communication from Hon. W. H. English, in regard to the number of the General Assembly, and ordered the Clerk to read the same, which was as follows :

INDIANAPOLIS, January 21, 1887.

*Hon. A. G. Smith, President of the Senate :*

DEAR SIR—I observe the Senate was called to order the beginning of the present session as “the State Senate of the



Fifty-fifth General Assembly of the State of Indiana," which is correct as to the number, if the Legislative Journals since 1863 are correct, but I am inclined to think that a mistake was made in numbering that year which has been followed in all the journals since, and that the present is the Fifty-fourth and not the Fifty-fifth General Assembly. To the end that the journals be correct and that all doubts upon the point suggested be removed, I respectfully suggest whether it would not be well to refer to the Joint Committee on State Library or some other appropriate committee.

Very respectfully,

WM. H. ENGLISH,  
President of Indiana Historical Society.

On motion of Senator Huston the communication was referred to the Committee on Public Library.

Senate Bill No. 6 was taken up, it being the special order set for this afternoon.

Senator Barrett offered the following amendment:

MR. PRESIDENT:

I move to amend Section 1 of Senate Bill No. 6, introduced by Senator McDonald of Allen and Whitley, so that it will read as follows:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be established and maintained an institution located at or near the City of Fort Wayne, in Allen County, Indiana, which institution shall be known as the Indiana Soldiers' and Sailors' Orphans' Home.

I also move to amend Section 7 of said bill by striking out the words "adjoining the land now owned by the State" in line 6 of said section, and by inserting the words "one hundred" in place of the word "seventy-five" in line 5 of said section.

I further move to amend Section 24 of said bill so as to read as follows:

SEC. 24. There is hereby appropriated out of moneys in the State Treasury not otherwise appropriated, to be drawn by the Treasurer of said Board, the sum of one hundred thousand dollars, to be expended under the direction of the Trustees, in

purchasing suitable grounds, in erecting suitable buildings thereon, and in furnishing the same: *Provided, That* not to exceed ten thousand dollars shall be expended in purchasing the grounds.

Senator French moved to make Senate Bill No. 6 a special order for next Wednesday at 2 o'clock p. m.

Senator Fowler moved to amend the motion by referring the bill to the Committee on Benevolent Institutions, with directions to inquire into the propriety of converting one of the new insane asylums for the feeble-minded children or a soldiers' orphans' home instead of an insane asylum.

Senator Barrett moved to substitute for the motion and the amendments as follows:

I move to make Senate Bill No. 6 a special order for Tuesday, at 2 o'clock p. m.

Senator Fowler accepted the substitute.

The question recurring on the motion of Senator Barrett the motion was carried.

Senator McDonald moved that 200 copies of Senate Bill No. 6, with Senator Barrett's amendment, be printed.

Carried.

Senator Bryant, from the Committee on County and Township Business, made the following report on Senate Bill No. 53:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 53, have had the same under consideration, and report the same back with the recommendation that it do pass.

D. C. BRYANT.

Senator Trippet, from the Committee on Organization of Courts, made the following report on Engrossed Senate Bill No. 72:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 72, has had the same under consideration and report that said bill

has not been correctly engrossed, and it recommends that said bill be properly engrossed and passed.

TRIPPET, Chairman,  
MARSHALL,  
URMSTON,  
D. C. BRYANT,  
W. C. DUNCAN,  
J. S. DRAKE,  
L. M. CAMPBELL.

The report was concurred in.

The following message was received from the House :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has adopted the following concurrent resolution in regard to the adjournment of the two Houses of the General Assembly, and the same is herewith transmitted.

W. H. SMITH,  
Clerk.

*Resolved by the House, the Senate Concurring, That when the two Houses of the General Assembly adjourn to-day, the General Assembly stand adjourned until Monday, January 24, 1887.*

Senator DeMotte introduced Senate Joint Resolution No. 2, as follows :

WHEREAS, About 700,000 acres of land in the valley of the Kankakee River, and within the counties of St. Joseph, Laporte, Starke, Jasper, Newton, Porter and Lake, in this State, can not be drained because of a natural obstruction in the Kankakee River at Momence, in the State of Illinois ; therefore, be it

*Resolved by the Senate, the House of Representatives Concurring, That a committee, consisting of two Senators and three Representatives, be appointed to confer with the Legislature of the State of Illinois, now in session, with the view of securing the necessary legislation to accomplish the removal of said obstruction.*

Read and referred to the Committee on Swamps Lands and Drains.

Senator Urmston called up Senate Bill No. 53, and moved that the report of the committee be concurred in.

Motion carried.

The question being upon the engrossment of Senate Bill No. 53.

The motion was put and the bill was ordered engrossed.

Senator Johnson introduced Senate Bill No. 143, entitled :

An act to amend section 17 of an act entitled "An act concerning real property and the alienation thereof, approved May 6, 1852," the same being section number 2932 of the Revised Statutes of 1881.

Read a first time and referred to Committee on Judiciary.

Senator French called up House Bill No. 166.

Read a first time by title and referred to the Committee on Finance.

Senators Duncan of Tipton and Duncan of Brown submitted the following agreement :

Senators Duncan of Tipton and Duncan of Brown pair with each other upon the question of the election of United States Senator and all questions in any way connected therewith, and also upon all political questions, whether arising in joint convention or in the Senate, and during their pair the name of neither Senator is to be recorded as being present or in voting in the joint convention or in the Senate upon any roll call or call of the Senate in joint convention, this pair to continue until both Senators agree in announcing it to be terminated, and such agreement shall be announced in the Senate, or reduced to writing signed by each of said Senators. This pair is entered into by reason of the death of the brother of Senator Duncan of Tipton.

CHAS. C. DUNCAN of Tipton.

W. C. DUNCAN of Brown.

JANUARY 21, 1887.

The foregoing agreement was submitted to a caucus committee of both parties and was ratified by such committee.

The Senate consented to the above agreement.

House Concurrent Resolution was taken up, relating to adjournment until next Monday, and Senator Campbell moved to concur in the resolution.

The resolution was not concurred in.

On motion of Senator Bailey the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

## SATURDAY MORNING.

JANUARY 22, 1887.

The Senate met in regular session at 10 o'clock, Hon. A. G. Smith, President, in the chair.

Opened with prayer by the Rev. Geo. E. Swan, pastor of Grace Episcopal Church, Indianapolis.

The reading of the journal was being proceeded with when Senator Bryant moved its further reading be dispensed with.

The President of the Senate ordered that that part of the journal relating to the joint convention be read, which was done.

The question recurring on the motion of Senator Bryant to dispense with the further reading of the journal.

The motion carried.

Senator Schloss introduced the following resolution:

MR. PRESIDENT:

*Be it resolved by the Senate of Indiana,* That it is with profound sorrow that we learn of the death of the wife of Senator Daniel W. Voorhees, and to him in his bereavement we extend our heartfelt sympathy and condolence.

*Resolved,* That the Secretary of the Senate be, and he is, hereby directed to transmit to Senator Voorhees an engrossed copy of these resolutions.

SCHLOSS.

Resolution adopted.

Senator Fowler introduced Senate Resolution No. 52, which is as follows :

MR. PRESIDENT :

I move to amend Rule 1 for the government of the Senate by striking out said rule and substituting the following :

**RULE 1.** The President shall take the chair every day precisely at one-and-a-half o'clock in the afternoon, and the Senate shall continue in session till six o'clock P. M., unless by motion it shall adjourn to some other hour appointed by such motion. He shall immediately call the Senate to order, and on the appearance of two-thirds shall cause the journal of the preceding day to be read. The standing committees shall meet at nine o'clock in the forenoon and arise upon their own adjournment.

Referred to Committee on Rules.

Senator Kennedy offered the following memorial and resolution :

*To the Honorable President and Members of the Senate of Indiana :*

**GENTLEMEN**—At the annual meeting of the Delegate State Board of Agriculture of Indiana, held January 4, 1887, in the city of Indianapolis, the following resolutions were unanimously adopted, and a copy of the same ordered transmitted to your honorable body, with the request that they meet your early consideration :

*Resolved*, That in view of the very heavy losses from the destruction of livestock in the States of Ohio, Kentucky, Missouri, Illinois and Indiana, by pleuro-pneumonia, hog cholera and other infectious and contagious diseases, it is of the utmost importance to the agricultural interest of Indiana that some means be devised and adopted by the State Legislature at its present session, whereby the introduction and spread of these diseases shall, so far as it is possible, be prevented in the State ; and be it further

*Resolved*, That a committee of three from this State Board be appointed by the Chair for the purpose of meeting with the Committee on Agriculture and other members of the Legislature, to draft and agree on a bill to meet the requirements of this resolution.

Pursuant to the last resolution the President of the Board appointed Messrs. Mitchell, Pruitt and Lockridge.

Referred to Committee on Agriculture.

Senator Marshall presented a memorial from George D. Wagner Post, No. 365, Pine Village, Ind., requesting the Senator from Warren and Fountain counties to vote for the bill to establish and maintain the Indiana Soldiers' and Sailors' Orphans' Home.

(Signed by)

E. LITTLE,  
N. A. SWABLEY,  
W. A. FISHER,

And twenty-nine others.

The memorial was referred to the Committee on Benevolent Institutions.

Senator Zimmerman presented a memorial from McClung Post, No. 95, G. A. R., of Rochester, Ind., asking that all honorable means be adopted to secure the passage of an act to establish and maintain the Indiana Soldiers' and Sailors' Orphans' Home, etc.

Referred without reading to Committee on Military Affairs.

Senator Campbell presented memorial from A. J. Hawn Post, No. 463, G. A. R., Department of Indiana, of Bainbridge, Ind., favoring the passage of the bill for the establishment of the Soldiers' and Sailors' Orphans' Home.

Referred to the Committee on Military Affairs.

Senator Griffith presented a memorial from John A. Platter Post, No. 82, G. A. R., indorsing the bill for establishing and maintaining a Soldiers' and Sailors' Orphans' Home.

Which was referred without reading to the Committee on Military Affairs.

Senator Bryant presented a memorial from Stilwell Post, No. 375, G. A. R., Department of Indiana.

Read and referred to Committee on Military Affairs.

Senator McClure presented a memorial from John W. Dunn Post, No. 480, G. A. R., of Hanover, Ind.

Which was referred to Committee on Military Affairs without reading.

Senator Moon presented a memorial in relation to frauds perpetrated by Township Trustees.

Read and referred to Committee on Education.

Senator McClure presented a memorial from John A. Hendricks Post, No. 107, G. A. R., of Faulkner, Ind.

Which was referred to Military Affairs without reading.

Senator Duncan of Brown presented a memorial from James T. Chittenden Post, No. 473, G. A. R., of Indiana.

Referred to Committee on Military Affairs without reading.

Senator Howard of St. Joseph presented a memorial from Anten Post, No. 8, G. A. R., of South Bend.

Which was referred to the Committee on Military Affairs without reading.

Senator Bailey, from the Committee on Elections, presented the following claim :

In the matter of the contested election case of David H. Patton against Simon P. Thompson.

David H. Patton, having been duly subpoenaed to appear in the above-entitled contest before the Committee on Elections, is entitled to the sum of money as such witness set opposite his name.

David H. Patton..... \$15 00

Having been first duly sworn, the said Patton says that the foregoing amount is a correct estimate of his expenses and the sum to which he is entitled as such witness.

R. H. PATTON.

Subscribed and sworn to before me this 20th day of January, 1887.

LEON O. BAILEY,  
Chairman Committee on Elections.



Mileage, 204 miles.....	\$20 40
Per diem, 4 days.....	5 00
Total.....	<u>\$25 40</u>

The latter sum of \$25.40 is what under the law Mr. Patton is really entitled to.

LEON O. BAILEY.

Senator Fowler, from the special committee on the claim of D. H. Patton, witness in the contested election case of Patton vs. Thompson, offered the following report :

MR. PRESIDENT :

Your special committee, to whom was referred the claim of D. H. Patton, subpoenaed as a witness in the contested election case of Patton vs. Thompson, would report that we have examined said claim and find \$12.00 of it correct. We, therefore, recommend the payment of \$12.00, which shall be in full of said claim.

I. H. FOWLER,  
D. C. BRYANT,  
GEO. MOON.

Report concurred in.

Senator Barrett offered Senate Resolution No. 58 :

*Resolved*, That the Doorkeeper be and is hereby instructed to procure one copy each of the Revised Statutes of 1876, and of the Acts of 1877, 1879, 1881, 1883 and 1885 for the use of the Committee on Judiciary.

The resolution was adopted.

Senator Shively, from the Committee on Public Health, made the following report on Senate Bill No. 13 :

MR. PRESIDENT :

The Committee on Public Health, to whom was referred Senate Bill No. 13, beg leave to report that they have had the same under consideration and propose as a substitute therefor the following bill and recommend that it do pass.

JAMES S. SHIVELY, Chairman.  
F. M. HOWARD,  
W. C. THOMPSON,  
A. M. KENNEDY,  
SIMON P. THOMPSON,  
L. P. MULLINIX.

An act to regulate the practice of dentistry in the State of Indiana, and prescribing penalties for the violation thereof, and to repeal chapter 47 of the Revised Statutes of 1881, being an act approved March 29, 1879, and repealing laws in conflict with the provisions of this act and providing that all violations of the act approved March 29, 1879, may be prosecuted under the provisions thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be unlawful for any one to practice dentistry for a fee or reward in the State of Indiana, without having received a diploma from a dental college duly incorporated under the laws of this or some other State of the United States on a certificate of qualification issued by a board of examiners to be appointed by the Indiana State Dental Association: *Provided*, That nothing in this act shall apply to any one engaged in the practice of denistry in this State at the time of the passage of this act.

SEC. 2. A board of examiners, consisting of five practicing dentists, shall be appointed by the said State Dental Association, according to its by-laws, whose duty it shall be to meet annually at the time and place of meeting of said association, (or oftener, at the call of three members of said board, at such time and place as may be designated in such call), to examine all applications and to issue certificates to all who pass a satisfactory examination.

SEC. 3. Any applicant who furnishes satisfactory proof of having been engaged in a reputable practice of dentistry for ten consecutive years immediately preceding the time of his application, shall be examined only in practical dentistry, operative and mechanical. All others shall be examined in anatomy, physiology, pathology, therapeutics, chemistry, and the theory and practice of surgical and mechanical dentistry; that it shall be the duty of every person who is now lawfully engaged in the regular practice of dentistry, in this State, to, on or before the last day of June, 1887, cause his or her name, place of business, and residence, to be registered, with the Board of Examiners, as have been provided for under section 2 of this act, and the said Board shall keep a book for such purpose. And said Board shall be competent judges to determine, and may, for sufficient reasons, reject or indorse as satisfactory, any or all

diplomas presented from any dental college, and they shall determine the status of the diploma, and the college issuing the same, and the holder of a diploma shall furnish satisfactory evidence to the Board, of his or her right to the same, and that the holder is duly qualified to practice dentistry. And all persons holding certificates from the Board of Examiners under sections two and three, also those holding certificates under the proviso of section one of this act, shall be entitled to register under this act, and all others who may be entitled to practice dentistry under the said proviso of section one of this act, and holding no certificate, shall make a statement of the required facts before a notary public under oath, and said statement must be supported by a resident freeholder, under oath of the town, city or township of the county, in the State of Indiana, where said dentist was practicing dentistry, and that the said applicant was engaged in the regular practice of dentistry within this State, on and prior to the 29th day of March, 1879: *Provided*, The Board may, if they are personally acquainted with the applicant and the facts, waive such statement and register the applicant. Every person who may have registered shall receive from the said Board a certificate in due form to that effect. Any qualified person who may after the last day of June, 1887, desire to practice dentistry in this State, whether the applicant be a graduate to be examined under section 3 of this act, shall apply to the Secretary of said Board for a permit to practice dentistry until the next regular meeting of said Board, and the Secretary may issue such permit after he shall have collected the fee, and the said applicant shall register under said permit which shall be valid until the regular meeting of said Board. And if the examination be favorable to the applicant, he or she shall then register as in other cases, and the said Board shall have power to issue certificates under sections one and three of this act, for one year or more, for the encouragement of the applicant in professional attainments.

SEC. 4. That all certificates (except permits) issued under this act shall be signed by all the members of said Board of Examiners, and said certificates shall have the seal of the Indiana State Dental Association affixed thereto. A majority of said Board shall constitute a quorum for the transaction of business.

SEC. 5. That all persons receiving certificates of registration from said Board of Examiners, or permits from the Secretary thereof, shall, before beginning to practice dentistry, whether for himself or herself, or for any other person as an assistant, or otherwise, shall present said certificate of registration or permit duly registered, to the Recorder of the county wherein the applicant desires to practice, and the said Recorder shall register the applicant's name, place of business and number of certificate or permit on a page or papers set apart for that purpose in the book of miscellaneous records in his office, and said Recorder shall indorse the recording of the same, the applicant's certificate, and for his services he shall collect from each applicant the sum of fifty cents: *Provided*, That when any duly registered and recorded dentist desires to change locations he or she shall return to said Board his or her recorded certificate or permit, and it shall be canceled, and the applicant shall register and be recorded as in other cases.

SEC. 6. That, in order to provide a fund to carry out and enforce the provisions of this act, the Board of Examiners shall collect from each applicant, before registration, the sum of two dollars, and of those who may apply for permits who are graduates, the sum of two dollars; and those for examination under section 8 of this act, the sum of twenty-five dollars, which sum in no case shall be returned. All moneys received by said Board shall be held by them and disposed of as they may direct for the expenses of said Board, including per diem for actual time of meetings, and for clerical services of the Secretary of said Board.

SEC. 7. That any person who shall violate any of the provisions of this act shall, upon conviction thereof, be fined not less than twenty nor more than one hundred dollars for each offense, and it shall be incumbent on the defendant to show that he or she has been duly registered with the Board of Examiners and his or her certificate duly recorded with the Recorder of the county wherein the offense was committed to exempt him or herself from the penalties herein prescribed; and for a repeated offense, committed after such convictions, the court or jury trying the same shall add to the penalty imprisonment in the county jail for not less than one nor more

than six months, and all prosecutions under this act shall be by indictment, or upon information before any court having jurisdiction.

SEC. 8. That an act entitled an act to regulate the practice of dentistry, approved March 29, 1879, and printed in the Revised Statutes of 1881 as Chapter XLVII, and from Section 4249 to 4257, inclusive, be, and the same are hereby, repealed, together with the provisions of this act: *Provided, however,* That all violations of the laws hereby repealed may be prosecuted under the provisions of the law in force when such offense was committed.

Senator Bailey introduced Senate Bill No. 144, entitled :

A bill for an act providing for the destruction of ballots after the same have been counted; repealing all laws or parts of laws in conflict therewith, and declaring an emergency.

Which was read a first time and referred to the Committee on Elections.

Senator Campbell introduced Senate Bill No. 145, entitled :

A bill for an act authorizing persons having claims against the State of Indiana to bring suit therefor in the Superior Court of Marion County, Indiana, against the State of Indiana, and authorizing persons to bring suits in the circuit courts of Indiana to quiet title to lands, and providing for appeals to the Supreme Court, and declaring an emergency.

Which was read a first time and referred to the Committee on Judiciary.

Senator Davis introduced Senate Bill No. 146, entitled :

A bill for an act to amend section six (6) of an act entitled an act to authorize cities and towns to construct and maintain water works.

Read first time and referred to Committee on Cities and Towns.

Senator Dresser introduced Senate Bill No. 147, entitled :

A bill for an act granting to the common council of cities organized and incorporated under the General Laws of the State of Indiana, the power to levy a tax in certain cases for the construction, maintenance and repair of any and all sewers and drains therein.

Read first time and referred to Committee on Cities and Towns.

Senator Duncan of Brown introduced Senate Bill No. 148, entitled :

An act concerning interest and usury.

Read first time and referred to Committee on Finance.

Senator Macy introduced Senate Bill No. 149, entitled :

A bill for an act to amend section 3 of an act entitled an act to amend sections 1, 2, 3, 4, 5 and 6 of an act entitled an act providing for the appraisement, purchase and conversion of toll roads into free roads and for their maintenance as free roads, approved March 8, 1883, declaring an emergency, approved March 8, 1885, and declaring an emergency.

Read first time and referred to Committee on Roads.

Senator Marshall introduced Senate Bill No. 150, entitled :

A bill for an act to prevent swindling. •

Which was read a first time and referred to the Committee on Judiciary.

Senator Mullinix introduced Senate Bill No. 151, entitled :

An act to amend Section 1469 of the Revised Statutes of 1881, in relation to Justice of the Peace practice.

Which was read a first time and referred to the Committee on Judiciary.

Senator Sears introduced Senate Bill No. 152, entitled :

An act to pay Levi R. Green the balance of his contract for furnishing hose and trimmings for the Indiana Hospital for the Insane, Department for Women.

Read first time and referred to Committee on Claims.

Senator Sellers introduced Senate Bill No. 153, entitled :

An act to amend Section 167 of an act concerning public offenses and their punishment, etc.

Read first time and referred to Committee on Rights and Privileges.

A message was read from the House as follows :

MR. PRESIDENT :

I am directed to inform the Senate that the House has adopted a concurrent resolution relating to the running of the passenger elevators in this building and the same is herewith transmitted.

W. H. SMITH,  
Clerk.

The following is a copy of the concurrent resolution :

*Be it resolved by the House of Representatives, the Senate concurring, That the Board of State House Commissioners be and it is hereby authorized to accept the elevators in the State House building, and have the same operated for the benefit of the members of the General Assembly, the State officers and the public generally: Provided, That the contractors for the construction of said elevating apparatus shall in no way be released from any penalty under their contract for any defect in the material or construction of the same by reason of the passage of this resolution.*

Senator Thompson of Jasper introduced Senate Bill No. 154, entitled :

A bill to amend Sections 1, 3, 4, 5, 6, 9, 10 and 11 of an act concerning drainage, approved April 6, 1885.

Read first time and referred to Committee on Swamp Lands and Drains.

Senator Tharp introduced Senate Bill No. 155, entitled :

An act to amend Section 8 of an act to amend an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters

properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 8, 1873, and the same being section 4369 of the Revised Statutes of 1881 of Indiana, and to repeal all laws in conflict and inconsistent therewith, and declaring an emergency.

Read first time and referred to Committee on Education.

Senator Barrett introduced Senate Bill No. 156, entitled :

A bill for an act concerning promissory notes and other negotiable instruments, and to protect the people of this State from fraud in their execution.

Read first time and referred to Committee on Judiciary.

Senator Zimmerman offered Senate Resolution No. 54, as follows:

*Resolved by the Senate of the State of Indiana, That the Committee on Benevolent Institutions be and is hereby instructed to look into the advisability of creating but one Board of Trustees for the supervision and management of the several benevolent institutions instead of separate Boards, as under the present law, and report to this Senate by bill or otherwise.*

The resolution was adopted.

Senator Smith of Wells called up Senate Bill No. 31.

The bill was read a second time.

The following message was received from the House :

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed a concurrent resolution in regard to adjournment as follows:

W. H. SMITH,  
Clerk.

*Resolved by the House, the Senate concurring, That when the two houses of the General Assembly adjourn to-day the General Assembly stand adjourned until Monday, January 24, 1887, at 11 o'clock.*



Senator Campbell moved that 100 copies of Senate Bill No. 31 be printed.

The motion carried.

Senator Weir moved to take up House Concurrent Resolution upon adjournment.

The resolution was read.

Senator Weir moved the adoption of the resolution.

The motion carried.

Senator Thompson of Marion, from the Committee on Cities and Towns, made the following report :

MR. PRESIDENT:

Your Committee on Cities and Towns, to whom Senate Bill No. 37 was referred, have had the same under consideration, and recommend that the bill do pass.

W. CLINTON THOMPSON,  
Chairman.

Senator Thompson of Marion, from the Committee on Cities and Towns, made the following report on Senate Bill No. 45:

MR. PRESIDENT:

Your Committee on Cities and Towns, to whom was referred Senate Bill No. 45, have had said bill under consideration, and recommend that the following bill be substituted, and then that the bill do pass.

W. CLINTON THOMPSON,  
Chairman.

The following is the substitute :

An act to legalize the incorporation of the town of Pierceton, Kosciusko County, Indiana, and to legalize each and every official act of the several Boards of Trustees of said corporation, and all other acts of each and every official of the same, and declaring an emergency.

WHEREAS, It appears that grave irregularities exist in the incorporation of the town of Pierceton, Kosciusko County, Indiana; and,

WHEREAS, The action of some of the Boards of Trustees of said town has been irregular and the irregularities of the records thereof have caused doubts to be entertained of the legality of the incorporation of the said town and the legality of the acts of the several Boards of Trustees and other officers thereof; and,

WHEREAS, The said several Boards of Trustees have from time to time levied taxes for school and corporate purposes, and have passed, from time to time, ordinances for licensing the sale of intoxicating liquors within the limits of said town, and charging certain sums of money to be paid therefor, all being less than the sum of one hundred dollars, and have, from time to time, collected said sums; and,

WHEREAS, Said Boards of Trustees have passed other ordinances for the good government of said town, to preserve public order therein, to regulate the grading, graveling and draining of the streets of said town; and,

WHEREAS, Divers and sundry persons have, in times past and still are, questioning the rights of said town to collect said taxes, as well as the authority of the said several Boards of Trustees to pass the said ordinances and regulations, by reason of the said irregularities in the incorporation of the said town, and are refusing to obey said ordinances and regulations, and to pay said taxes and sums of money by reason of said irregularities in the several acts of the said Boards of Trustees and in the incorporation of said town; and,

WHEREAS, The inhabitants of said town and all other persons have acquiesced in said acts of incorporation, and in the action of all Boards of Trustees and other officers of said town; and,

WHEREAS, It has been represented to this General Assembly that the difficulty in the enforcement of the police regulations of the said town, and in the preservation of the peace and good order thereof, together with the difficulty of the enforcement of the said ordinances and regulations and the collection of the said sums of money and the said taxes, are likely to result in irreparable injury to the corporate interest of said town and to the inhabitants thereof; therefore,

*Be it enacted by the General Assembly of the State of Indiana,*  
That the incorporations of the town of Pierceton, Kosciusko County, Indiana, in all things be and the same is hereby legalized and made valid; that all acts and parts of acts, and all ordinances and parts of ordinances of the several Boards of Trustees of said town, and all acts of the other officers thereof, are hereby legalized and made valid, and that all levies and assessments of taxes heretofore made by any of the Boards of Trustees of said town or other officers thereof are hereby legalized: *Provided, however,* That nothing in this act shall in any way affect any suit now pending in any of the courts of the State, but the same shall be prosecuted and determined the same as if this act never passed.

SEC. 2. An emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

Senator Thompson of Marion, from the Committee on Cities and Towns, made the following report:

MR. PRESIDENT:

Your Committee on Cities and Towns, to whom was referred House Bill No. 70, have had the same under consideration and recommend that the bill do pass.

W. CLINTON THOMPSON,  
Chairman.

Senator Thompson of Marion presented the following report on Senate Bill No. 22:

MR. PRESIDENT:

Your Committee on Cities and Towns, to whom was referred Senate Bill No. 22, have had the same under consideration and recommend that the same be laid on the table.

[Signed,]

W. CLINTON THOMPSON,  
Chairman Committee on Cities and Towns.

Senator Duncan of Brown made the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred Senate Concurrent Resolution No. 1, introduced by Senator Zimmerman, beg leave to report that they have had the same under

consideration, and direct me to report the same back to the Senate with an amendment thereto in the following words: And when said resolution be so amended that the same do pass.

W. C. DUNCAN,  
Chairman.

The following is the amendment to Senator Zimmerman's resolution :

WHEREAS, Under the copyright laws of the United States the text-books used in the public schools have been copyrighted, and the publication and sale thereof to the people has been monopolized by a few publishing houses, thereby greatly enhancing the price and cost of said books to the people :

*Be it resolved by the Senate, the House concurring therein,* That our Senators in Congress are instructed, and that our Representatives are requested, to secure the passage of a law repealing all copyright laws, so far as the same may apply to the text-books used in the common schools.

*Resolved,* That the Governor of this State be, and that he is hereby, requested to furnish each of our Senators and Representatives in Congress with a copy of this resolution.

Senator DeMotte moved to lay the report of the committee on the table.

The motion was lost.

Senator Duncan presented the following report on Senate Bill No. 40 :

JANUARY 21, 1887.

MR. PRESIDENT :

Your committee to whom was referred Senate Bill No. 40, introduced by Senator Hale, beg leave to report that they have had the same under due consideration, and direct me to report back to the Senate, with a recommendation that the same be referred to the Joint Standing Committee on Public Libraries.

W. C. DUNCAN,  
Chairman.

Senator Campbell moved that the report of the committee on Concurrent Resolution No. 1 be concurred in.

Senator Campbell moved that Concurrent Resolution No. 1 be adopted.

Motion carried.

Senator Duncan of Brown moved that the report of the committee on Senate Bill No. 40 be concurred in.

Carried.

Senator Bailey introduced Senate Bill No. 157 :

A bill for an act providing for the exemption of homestead and other property from execution, repealing all laws or parts of laws in conflict therewith, and declaring an emergency.

Read first time and referred to Committee on Labor and Labor Statistics.

Senators Campbell and Fowler were appointed a special committee to inform the House that the Senate was ready to meet the House in joint convention.

Senator Howard of St. Joseph, from the Committee on Swamp Lands and Drainage, made a report on Senate Bill No. 77, recommending that 200 copies of said bill be printed.

The report was concurred in.

Senator Davis moved that the Western Union Telegraph Company be given the privilege of making arrangements by which messages can be sent from the State House, so far as this Senate can grant such privilege.

Motion carried.

A call of the roll of the Senate was had, and all of the members were found to be present except Senators Duncan of Brown and Duncan of Tipton, who were paired on account of the death of the brother of Senator Duncan of Tipton.

Senator Campbell, from the special committee, reported that the House would be ready to receive the Senate at 12 o'clock m.

At 12 o'clock the Senate repaired to the House of Representatives for the purpose of meeting in joint convention for the purpose of balloting for a United States Senator.

The Senate and House of Representatives met in joint convention in the hall of the House of Representatives pursuant to adjournment at 12 o'clock m., January 22, A. D. 1887, for the purpose of electing a United States Senator to the Congress of the United States for the State of Indiana.

The Hon. A. G. Smith, President of the Senate, called the joint convention to order, and announced that Senator Duncan of Tipton and Senator Duncan of Brown were paired on account of the death of the brother of Senator Duncan of Tipton, and that their names would not be called in this joint convention.

Hon. A. G. Smith, President of the Senate, ordered the Secretary to call the roll of the Senate, which being done all the Senators were found to be present except Senators Duncan of Tipton and Duncan of Brown.

The Speaker of the House ordered a roll-call of the House, which being taken all the members of the House were found to be present.

Senator Fowler moved that the reading of the Journal of the joint convention of yesterday be dispensed with.

The motion carried.

The Speaker of the House then announced that the next thing in order was the balloting for a United Senator.

The Hon. A. G. Smith, President of the Senate, ordered the Secretary to call the roll of the Senate, which being taken resulted as follows (sixth ballot):

Those voting for the Hon. David Turpie were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Jennings, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urnston, Weir, and Zimmerman. Total, 31.

Those voting for Hon. Benjamin Harrison were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears, Thompson of Jasper, and Winter. Total, 17.

Those voting for the Hon. Jason H. Allen, none.

The Speaker of the House ordered the Clerk to call the roll of the House.

Which being taken, resulted as follows :

Those Representatives voting for the Hon. David Turpie were :

Messrs. Askren, Barnes, Beasley, Bertram, Blinks, Buskirk, Clarke, Connely, Cox of Cass and Miami, Cox of Miami, Cruson, Cushman, Custer, Darroch, Foley, Foster, Galbraith, Garrison, Gordon, Harrell, Ibach, Jewett, Kellison, Major, Metzger, Mock, Montgomery of Owen, Niblack, Parker, Patten, Pierce, Pleasants, Roberts, Schley, Selvey, Shambaugh, Shields, Stull, Sunman, Weyand, White, Whitworth and Worrall. Total, 43.

Those Representatives voting for Hon. Benjamin Harrison were :

Messrs. Ackman, Alexander, Barnard, Briant, Brown, Buckles, Carrick, Catey, Caven, Commons, Conder, Conger, Covert, Davis, Dickerson, Dunn, Fleece, Friend, Gardiner, Gough, Green, Griffiths, Grose, Groves, Harley, Hobson, Howard, Kelley of Boone, Kelly of Lagrange, Kercheval, Klein, Leighty, Linck, Little, Loop, McCallum, McCray, McMath, Miller, Morse, Montgomery of Gibson, Nolin, Osborn, Oursler, Pleak, Reynolds, Scott, Sinclair, Stubblefield, Thompson, Trout, Van Slyke and Mr. Speaker. Total, 53.

Those Representatives voting for Hon. Jason H. Allen were :

Messrs. Cates, Glover, Mackey and Robinson. Total, 4.

Hon. A. G. Smith, President of the Senate, announced the vote of the joint convention, as follows :

The Hon. David Turpie received 74 votes; the Hon. Benjamin Harrison received 70 votes; the Hon. Jason H. Allen received 4 votes. Necessary to a choice, 75.

No one having received a majority of all the votes cast, the Hon. A. G. Smith announced that there was no election.

Whereupon, Mr. Gardiner moved that the joint convention adjourn to 12 o'clock noon next Monday, January 24, 1887.

Motion carried, and the joint convention adjourned.

The Senate returned to the Senate Chamber at 12:20 o'clock P. M.

Senator Sellers moved that when the Senate adjourn it adjourn until next Monday at 11 o'clock A. M.

Carried.

On motion of Senator Weir, the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

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## MONDAY MORNING.

JANUARY 24, 1887.

The Senate met in regular session at 11 o'clock, Hon A. G. Smith, President of the Senate, in the chair.

Opened with prayer by Senator Smith of Wells.

The reading of the journal was being proceeded with, when Senator Fowler moved that the further reading of the journal be dispensed with, except that part relating to the joint convention of last Saturday.

The Assistant Secretary read that part of the journal relating to the joint convention of last Saturday, and after a slight correction that part of the journal was approved.

The question recurring on Senator Fowler's motion, the motion was carried.



Senator Trippet offered the following resolution and moved its adoption:

*Resolved*, That the Clerk have printed one thousand blanks as follows, for the use of the Chairmen of the various committees:

Mr. .... Committee No. .... will meet at room  
..... at ..... o'clock.

CHAIRMAN.

Resolution adopted.

Senator Bailey offered the following report on Senate Bill No. 8:

MR. PRESIDENT:

Your Committee on Labor and Labor Statistics, having under consideration Senate Bill No. 8, respectfully report that the same do pass.

LEON O. BAILEY,  
Chairman.

Senator Bailey offered the following report on Senate Bill No. 2.

MR. PRESIDENT:

Your Committee on Labor and Labor Statistics, having under consideration Senate Bill No. 2, recommend that said bill be amended as follows: On page 1, line 23, in section 1, after the words "every" insert the word "two." And further that the following section shall be added to said bill as follows:

SEC. 6. All laws and parts of laws in conflict with this act be and the same are hereby repealed. And further that the following section be thereafter added, which shall be as follows:

SEC. 7. An emergency existing for the immediate taking effect of this act, the same shall be in force from and after its passage.

And your committee recommends that after said bill has been amended, as indicated in this report, that the same do pass.

LEON O. BAILEY,  
Chairman.

Senator French, from the Committee on Finance, made the following report on Resolution No. 50 :

MR. PRESIDENT :

Your Committee on Finance, to whom was referred Senate Resolution No. 50, have had the same under consideration, and report the same back to the Senate with the recommendation that it do pass.

J. W. FRENCH,  
Chairman.

Senator French, from the Committee on Finance, made the following report :

MR. PRESIDENT :

Your Committee on Finance, to whom was referred House Bill No. 166, has had the same under consideration, and reports the same back with the recommendation that it do pass.

J. W. FRENCH,  
Chairman.

Senator Bailey, from the Committee on Labor and Labor Statistics, made the following report :

MR. PRESIDENT :

Your Committee on Labor and Labor Statistics, to which was referred House Bill No. 14, have had the same under consideration, and recommend the following amendment: On page "two," line "two," in section one, after the words "at least once," eliminate the words "a week," and insert in lieu thereof the words "every two weeks," and when the same is so amended, that the bill do pass.

LEON O. BAILEY,  
Chairman.

Senator Bailey offered the following report on Senate Bill No. 7 :

MR. PRESIDENT :

Your Committee on Labor and Labor Statistics, having under consideration Senate Bill No. 7, respectfully report that the same do pass.

LEON O. BAILEY,  
Chairman.

Hon. A. G. Smith, President of the Senate, submitted a petition from Huckleberry Post No. 391, Department of Indiana, G. A. R., in regard to Soldiers' and Sailors' Orphans' Home, which was referred to Committee on Military Affairs without reading.

Senator Winter offered a memorial from O. H. Montgomery, Jackson County.

Senator Bailey moved to refer said memorial to the Committee on Elections.

Senator Thompson of Marion raised the point of order that the memorial was not respectful.

The point of order was sustained, and the memorial ordered laid on the table.

Senator Winter appealed from the decision of the chair.

Senator French moved to lay the appeal on the table.

The ayes and noes being demanded, and were being taken, when the time having arrived for the Senate to meet the House of Representatives in joint convention, the roll call was suspended, and the Senate repaired to the House of Representatives at 12 o'clock for said purpose.

The Senate and House of Representatives met in joint convention in the Hall of the House of Representatives pursuant to adjournment at 12 o'clock noon, January 24, 1887, for the purpose of electing a United States Senator to the Congress of the United States for the State of Indiana.

The Hon. A. G. Smith, President of the Senate, called the joint convention to order, and announced that the pair heretofore announced between Senators Duncan of Brown and Duncan of Tipton was off, as both Senators were now present.

He also ordered the Secretary to call the roll.

Which being done showed all members to be present.

The Speaker of the House ordered the Clerk to call the roll of the House.

Which being done showed all members present except Mr. Osborn of Tippecanoe and Mr. Worrall of Monroe, whom the Speaker announced were paired on all political questions, on account of sickness in the family of Mr. Worrall.

On motion of Senator French the reading of the journal of the joint convention of Saturday, January 22, was dispensed with.

The Hon. A. G. Smith ordered the Secretary to call the roll of the Senate on the seventh ballot for United States Senator.

Which being done resulted as follows :

Those voting for Hon. David Turpie were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Jennings, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir and Zimmerman. Total, 32.

Those voting for Hon. Benjamin Harrison were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears, Thompson of Jasper, Winter. Total, 18.

Those voting for the Hon. Jason H. Allen was none.

The Speaker of the House ordered the Clerk to call the roll of the House on the seventh ballot for United States Senator, which being done, resulted as follows :

Those voting for Hon. David Turpie were :

Representatives Askren, Barnes, Beasley, Bertram, Blinks, Buskirk, Clarke, Connely, Cox of Cass and Miami, Cox of Miami, Cruson, Cushman, Custer, Darroch, Foley, Foster, Galbraith, Garrison, Gordon, Harrell, Ibach, Jewett, Kellison, Major, Metzger, Mock, Montgomery of Owen, Niblack, Parker, Patten, Pierce, Pleasants, Roberts, Schley, Selvey, Shambaugh, Shields, Stull, Sunman, Weyand, White, Whitworth. Total, 42.

Those voting for Hon. Benjamin Harrison were:

Representatives Ackman, Alexander, Barnard, Briant, Brown, Buckles, Carrick, Catey, Caven, Commons, Conder, Conger, Covert, Davis, Dunn, Dickerson, Fleece, Friend, Gardiner, Gough, Green, Griffiths, Grose, Groves, Harley, Hobson, Howard, Kelley of Boone, Kelly of Lagrange, Kercheval, Klein, Leighty, Linck, Little, Loop, McCallum, McCray, McMath, Miller, Morse, Montgomery of Gibson, Nolin, Oursler, Pleak, Reynolds, Scott, Sinclair, Stubblefield, Thompson, Trout, Van Slyke, Mr. Speaker. Total, 52.

Those voting for Hon. Jason H. Allen were:

Representatives Cates, Glover, Mackey, Robinson. Total, 4.

Total vote of the Joint Convention as announced by the Hon. A. G. Smith was as follows:

For Hon. David Turpie .....	74 votes.
For Hon. Benjamin Harrison.....	70 votes.
For Hon. Jason H. Allen .....	4 votes.

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Total number of votes cast..... 148 votes.

Necessary to a choice 75.

No one having received a majority of all the votes cast there was no election.

Whereupon Mr. Harley, of Carroll County, moved that the Joint Convention adjourn.

Motion carried and the Joint Convention adjourned.

The Senate returned to the Senate Chamber at 12:15 o'clock P. M.

The President of the Senate instructed the Reading Clerk to proceed with the roll-call of the Senate upon the motion to lay the appeal from the Chair on the table.

Which was done, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure,

McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, and Zimmerman. Total, 80.

Those voting in the negative were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Thompson of Jasper, Winter, and Weir. Total, 18,

So the motion was lost.

Senator Bailey moved that when the Senate adjourn it adjourn to 2:30 o'clock P. M.

The motion prevailed.

On motion of Senator Schloss, the Senate adjourned.

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## MONDAY AFTERNOON.

JANUARY 24, 1887.

The Senate met, pursuant to adjournment, at 2:30 o'clock, Hon. A. G. Smith, President, in the chair.

Senator Fowler announced that he had appointed Miss Effie Fritts of Gosport, Owen County, Ind., as Clerk of Committee on Enrolled Bills.

Senator Trippet moved that House Bill No. 14 be made special order for next Wednesday at 2 o'clock P. M.

The motion carried.

The President of the Senate directed the Secretary to recall Senate Resolution No. 1 from the House for action of the Senate.

Senator Trippet offered the following resolution, No. 57 :

*Resolved*, That this Senate adjourn at 3 o'clock to give committees an opportunity to work.

The resolution was adopted.

Senator Weir offered the following resolution, No. 56:

*Resolved*, That the Trustees of the State University be requested to furnish for the use of the Senate an account stated, showing the income from all sources, the expenditures, names of employes, salaries paid each individual connected with the University, including the pay drawn by Trustees and officers.

WEIR.

Adopted.

Senator Howard of St. Joseph made the following report on Senate Bill No. 77:

MR. PRESIDENT:

Your Committee on Swamp Lands and Drains would respectfully make the following additional report: The Senate and House Committees have jointly considered Senate Bill No. 77, introduced by Senator Thompson of Jasper, and House Bill No. 89, introduced by Representative Darroch of Allen, and beg leave to report that the two bills are in substance the same, and that one of said bills should be enacted into a law. We further report that two hundred copies of the following statement of facts, for the further information of the members of the Senate and House, be printed:

#### STATEMENT.

Congress passed the General Swamp Land Act September 28, 1850. Beaver Lake was then a body of water containing about fifteen thousand acres. The United States surveyors meandered this, and no portion of the lands within the meander line were offered for sale under the General Swamp Land Act. John P. Dunn, Amzi B. Condit and Michael G. Bright, prior to the year 1857, purchased all the fractional forty-acre tracts constituting the entire border or rim of the lake. The border tracts afterward all became the property of Michael G. Bright. The bed of the lake was, prior to the year 1857, covered with water. After Michael G. Bright became the owner of the whole outer edge or rim of said lake, he claimed to be the owner of the whole lake, as riparian proprietor, and began deepening and widening the outlet of the lake into the Kankakee River. That such claim of ownership was put in writing and annexed to a plat of said lake into 427 lots containing

forty acres each, except those covering the survey line. These lots were formed by right lines extended from the border forty-acre tracts, and by these numbers said lands were afterward conveyed. Said plat was executed under seal on the 25th day of April, 1857, and contains this language: "Whereas, I, Michael G. Bright, \* \* \* own \* \* \* each of which lots and tracts of land above specified and abutted on and bounded by an unnavigable pond of fresh water called and known by the name of Beaver Lake, in said county of Jasper, \* \* \* and, Whereas, In virtue of being the riparian proprietor of all of said lots and tracts of land I am, by operation of law, the owner and proprietor of the bed of said lake and of all the islands therein, and of all the lands covered by the water." The seat and claim thereon was recorded in Jasper County on October 13, 1857, and such record was transcribed on the records of Newton County when such county was formed.

The said plat was also recorded in the Auditor of State's office, and constitutes the first public claim of title adverse to the State of Indiana. Some after this plat was recorded one Mr. Blake claimed to own "Boyn's Island," located in the lake. Bright brought an action of ejectment before Judge Pettit, afterward one of the judges of the Supreme Court. Judge Pettit decided Bright's claim to be good. Michael G. Bright filed an elaborate printed brief, which was afterward used in opposition to a petition to the Commissioner of the General Land Office, in 1871, for a survey of the lake as Government lands.

In 1858, soon after this plat was recorded, John P. Dunn became indebted to the State in the sum of near three thousand dollars, and Michael G. Bright was his surety. Aquilla Jones was then Treasurer of State, and on the 19th of July, 1858, received a deed in trust for the alternate odd-numbered lots on said plat, for a consideration of \$2,500, or about thirty cents per acre, and on January 17, 1859, reported to the Legislature in reference thereto as follows:

"I have in trust for the State 7,880 acres of Beaver Lake swamp lands. The title to this property is good." (Doc. Journal, 1859, p. 403.)



A committee of the Legislature was afterward appointed, and they investigated the quality of these lands, and the character of the title thereto, and reported thereon to the General Assembly on the 31st day of December, 1860.

The said Aquilla Jones conveyed said lands to the State of Indiana by deed of conveyance. The said Bright thus conveyed one-half of said lands, estimated at 7,880 acres, to the State of Indiana.

The said lake was still undrained, but the main outlet was being deepened from time to time, and in 1865, at the regular session of the General Assembly, House Bill No. 78 was introduced, and on December 12, 1865, was enacted into a law providing for the sale of the lands described in said deed. (See Acts of 1865, Special Session, p. 192.)

Michael G. Bright, after the sale of said odd-numbered lots to the State, on July 19, 1858, still claimed to own the even-numbered lots, and from time to time sold and conveyed the same by warranty deeds, until they were all sold. The State also sold the odd-numbered lots at about one dollar per acre, and about the year 1867 had sold all of said lands.

About the year 1867 the owners began an extensive system of drainage, deepening and widening the outlet and extending the same further into the bed of the lake, and cutting lateral ditches, until the body of the lake was drained. This land was taxed each year from 1858.

In 1863 Bright was dissatisfied as to a road tax on these lands, and sued to have the land relieved from the same. The case was appealed to the Supreme Court. (See *Bright vs. McCollough*, 27 Ind. 223.)

The question as to the validity of Bright's title was not mooted at any time until about the year 1871, when certain parties claimed the lands were owned by the United States. The Congress of the United States, on January 11, 1873, passed this act:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lands in Newton County, in the State of Indiana, known as the bed of Beaver Lake, the same being drained at the expense of the*

State of Indiana and its assignees, be and the same are hereby relieved and quit claim to the State of Indiana.

Soon after this act was passed, Simon P. Thompson, Prosecuting Attorney of the Newton Circuit Court, brought suit to recover for the school fund of the State all of said land, asking that the title to the even numbered lots be quieted in the State for the use of the school fund, and that the value of the odd numbered lots be transferred from the State treasury to the school fund. These cases were dismissed by the Court in 1876, on authority of the State officers. In the year 1881, immediately after the case of *Reid vs. Thompson* (74 Ind. 252) was decided, the State again began suit to recover the title to the even numbered tracts. These suits are still pending, sixteen in Newton County and one in the United States Circuit Court. One case was tried in the Newton Circuit Court and the defendant plead all the facts in estoppel. The defendant prevailed in the Circuit Court. The State appealed and the case is reported as No. 12,138, *The State vs. The Portsmouth Savings Bank*, (106 Ind. 435) and was reversed. In the language of Attorney General Hord, "The Court held that the purchasers surrounding the lake did not thereby acquire the lake bed. \* \* \* Upon the final trial questions will arise as to the adverse possession for the time prescribed by the statute of limitation. \* \* \* The Court also held that the State was not estopped to assert its title on account of certain acts set forth in the answer of 1886." (Attorney General's report, page 6.)

The adjustment as to taxes and improvements has not yet been made. The probable Court costs accrued in all the cases amount to \$4.00. The probable cost of the improvements, except buildings, \$12.00. The probable cost of buildings and fences, 20 miles, \$250.00. The Treasurer of the county made a statement of taxes paid since 1858, as follows:

STATE OF INDIANA, }  
NEWTON COUNTY. } ss.

I, Isaac Smart, Treasurer of Newton County, do hereby certify that I have made a careful examination of the tax duplicate now in my office, including a transcript of taxes from Jasper County, Indiana, from the year 1858 to the year 1886, the amount of seven thousand six hundred and twenty-six and

eighty-four one hundredth dollars, exclusive of any taxes levied and paid on lands in the bed of Beaver Lake, conveyed by Michael G. Bright and wife to Acquilla Jones and by said Jones to the State of Indiana, and that there is now on the tax duplicate for the year of 1886 taxes on Bright lands to the amount of three hundred and thirty-two and forty-one one hundredth dollars unpaid.

Witness my hand this 19th day of January, 1887.

ISAAC SMART,

Treasurer of Newton County, Indiana.

1. The bill seeks to quiet the title to the odd numbered lots patented pursuant to the act of December 12, 1865.

2. To legalize the plats made and recorded in 1859, so as to enable the same to be used in evidence in the courts.

3. To dispose of all the lands at such nominal price as will not be oppressive to the purchasers and claimants under the Bright title.

4. To provide for the payment of all taxes, costs and attorney fees.

None of the lands are very valuable, about one-tenth part being worth from \$5 to \$7 per acre, the remaining nine-tenths from nothing up to \$2 per acre. Many of the tracts are barren, sandy soil.

The bill seeks to settle the whole controversy, and ought to pass, the only question being as to the price that should be placed upon the lands in controversy.

T. E. HOWARD,

Chairman Committee on Swamp Lands.

Senator Weir presented the following claims:

State of Indiana Dr. to Daniel Stewart, as per accompanying bill, on order of the Senate, \$1.85.

1 qt. alcohol bt.....	\$1 10
3 water buckets.....	75
	<hr/>
	\$1 85

State of Indiana Dr. to Kipp Brothers, as per accompanying bill, on order of the Senate, \$25.25.

4½ dozen waste baskets at \$5.50.....	\$25 25
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State of Indiana Dr. to Albert Gall, as per accompanying bill, on order of Senate, \$7.00.

To 2 carpet sweepers..... \$7 00

State of Indiana Dr. to Hollweg & Reese, as per accompanying bill, on order of the Senate, \$10.25.

10 6½ brown Burmah pitchers at 90c..... \$9 00

1 dozen engraved tumblers..... 1 25

---

\$10 25

State of Indiana Dr. to Charles Mayer, as per accompanying bill, 1 pitcher and glass, \$3.00.

Read and referred to Committee on Claims.

Senator Cox presented a memorial from Perry M. Blankenship Post No. 74, G. A. R., of Morgan County, Ind., in regard to building soldiers' monument.

[Signed by,]

W. H. MILLER,  
GEORGE A. GRUBBS,  
DAVID WILSON,  
Committee.

Which was referred to the Committee on Military Affairs.

Senator Bailey introduced Senate Bill No. 158, entitled :

A bill for an act providing for the pay of justices of the peace, constables and deputy constables in townships of this State having a population of over twenty thousand (20,000) inhabitants, prescribing certain penalties, repealing all laws or parts of laws in conflict herewith, and declaring an emergency.

Read first time and referred to Committee on Judiciary.

The following message was received from the House :

MR. PRESIDENT :

I am directed by the House to return to the Senate Concurrent Resolution No. 1 as requested by the Senate, and the same is herewith transmitted.

W. H. SMITH,  
Clerk.

Senator Barrett introduced Senate Bill No. 159, entitled :

A bill for an act to amend Section 2 of an act entitled an act providing for official notice of the time when the statutes of the State are in force, approved February 7, 1885, being Section 239 of the Revised Statutes, 1881.

Which was read a first time and referred to the Committee on Judiciary.

Senator Howard of St. Joseph introduced Senate Bill No. 160, entitled :

An act to amend section 7 of an act entitled an act providing for the election of Clerks of Circuit Courts, and prescribing some of their duties. Approved June 7, 1852, being section five thousand eight hundred and forty-nine (5849) of the Revised Statutes of 1881 of the State of Indiana.

The bill was read a first time and referred to the Committee on County and Township Business.

Senator Mullinix introduced Senate Bill No. 161, entitled :

An act to amend section 1445 of the Revised Statutes of 1881, entitled an act for the government of Justices of the Peace in attachment proceedings.

Read first time and referred to Committee on Judiciary.

Senator Thompson of Marion introduced Senate Bill No. 162, entitled :

A bill for an act defining the qualifications of electors in municipal and other elections by the people not provided for in the constitution of Indiana.

Which was read a first time and referred to the Committee on Cities.

Senator Urmston introduced Senate Bill No. 163, entitled :

An act to prohibit the heating of railway passenger cars by stoves, prescribing penalties and declaring an emergency.

Read first time and referred to Committee on Railroads.

Senator Weir introduced Senate Bill No. 164, entitled :

A bill to amend sections 2117 and 2118 of the statutes of 1881.

Read first time and referred to Committee on Agriculture.

Senator Bailey introduced Senate Bill No. 165, entitled :

An act to amend sections 3 and 16 of an act entitled an act concerning public offenses and their punishment, approved April 14, 1881, being sections 1904 and 1917 of the Revised Statutes of 1881.

Which was read a first time and referred to Committee on Judiciary.

Senator Thompson of Marion introduced Senate Bill No. 166, entitled :

An act to amend section 4497 of the Revised Statutes of 1881.

The bill was read a first time and referred to the Committee on Benevolent Institutions.

Senator French introduced Senate Bill No. 167, entitled :

A bill regulating the sale and purchase of promissory notes and other evidences of indebtedness and prescribing penalties for any violation thereof.

Read first time and referred to Committee on Judiciary.

On motion of Senator Trippet the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

## TUESDAY MORNING.

JANUARY 25, 1887.

The Senate met in regular session at 10 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by the Rev. R. Moffett, of the Christian Church, of Cleveland, O.

The reading of the journal was being proceeded with, when Senator Schloss moved that the further reading of the journal be dispensed with.

The President of the Senate directed that the part of the journal relating to the joint convention of yesterday be read; which was done, and that part of the journal was approved.

The question recurring to the motion to dispense with the further reading of the journal,

The motion carried.

Senator Dresser, from the Committee on Elections, in the case of Branaman *vs.* McDonald, presented the following minority report and accompanying resolutions:

In the ~~matter~~ matter of the contested election case of Frank Branaman against William N. McDonald for a seat in the Indiana State Senate.

The undersigned minority of your committee to whom was referred the papers and evidence relating to the contested election case of Frank Branaman *vs.* William N. McDonald for a seat as Senator in your honorable body from the counties of Jackson and Lawrence, beg leave to submit a minority report herewith in said case:

1. The undersigned minority, members of Committees on Elections, show to your honorable body that they have carefully examined all the testimony taken and produced in said case; that the charges against William N. McDonald, the contestee in said case, to the effect that he had used or offered to use money corruptly to secure his election as Senator, are not sustained in any particular; that no witness testified in the

case that Mr. McDonald had at any time or place given money to anyone to be used to secure his election; nor is there a sentence of testimony in all the record showing, or tending to show, that anyone was influenced by money expended by Mr. McDonald, or by anyone else with his consent, or that anyone worked for him or voted for him directly or indirectly who received money from Mr. McDonald or his supporters. The two witnesses, namely, Richard Madden and John B. Able, who testified that Mr. McDonald had given them fifty dollars (\$50) each the day before the election, both testified that Mr. McDonald had never asked them to work or vote for him, and they also testified that they had worked and voted for Frank Branaman, the contestor. One Frank Fassold, who was elected as County Commissioner in Jackson County on the second day of November, 1886, being the only Republican who has been elected as Commissioner in that county, as the evidence shows, for nearly forty years, and who was unquestionably elected by the aid of the votes of Democrats on account of his well-known character for honesty, testified that he was acquainted with the general character of Richard Madden and John B. Able for truth and veracity, and that the same was each bad, and no evidence was offered by the contestor in rebuttal of such testimony. Another witness on behalf of the contestor, William Champion, testified that prior to the day of the election he asked William N. McDonald to loan him five or six dollars, and that McDonald did so, but that nothing was said by Mr. McDonald or him at the time about the election, or about votes for Mr. McDonald. The witness further testified that he had both worked and voted for Frank Branaman. The only other witness who testified as to having received money from Mr. McDonald was William McClellan, who testified that Mr. McDonald had loaned him six dollars; that he was needing a small amount of money, and that Mr. McDonald loaned it to him, but that nothing was said at the time about his voting or working for McDonald; upon the contrary he testified that he had voted and worked for Frank Branaman, and that he had borrowed money from Mr. McDonald before that time. Such is in substance the testimony upon which the majority of the committee has recommended the unseating of Mr. McDonald.



The action of the majority of the committee, in the opinion of the undersigned minority, does great injustice to Senator McDonald, as it is nowhere shown in the testimony that Mr. McDonald directly or indirectly, by himself or through another, used any money corruptly, or with the intent or purpose of influencing any one to vote or work for him, and the assumption on the part of the majority of the committee that money loaned by Mr. McDonald to persons in need, when there was no conversation or understanding at the time, or before the money was loaned, or any understanding subsequently that it was for the purpose of influencing any one to vote or work for Mr. McDonald, is unwarranted and without precedent in the annals of contested election cases. To presume guilt in criminal practice or fraud in civil is reversing all of the well-known and long-established rules of law, but such, in the opinion of the minority of your committee, is the effect of the report of the majority, and they can conceive of no emergency or condition of affairs, political or otherwise, which justifies such report.

Notwithstanding such is the testimony upon which the majority of your committee recommend that McDonald be unseated, they, in the face of the 610 majority by which McDonald was elected as Senator from Jackson and Lawrence counties, as conceded by Branaman, and as shown by the returns, and without any proof whatever tending to reduce the majority for McDonald or showing that Branaman was entitled to more votes than were counted for him, recommend that Branaman be seated in McDonald's stead.

Branaman in his notice of contest, seeks to contest the seat of McDonald as an elector, and not as a defeated candidate seeking or claiming the seat; in his notice he does not claim or pretend to claim that he is entitled to the seat; upon the contrary he conceded before the committee, through his counsel, that when this contest was originally commenced, it was simply to inquire into the methods by which McDonald was elected, and not to secure the seat himself. There is no evidence whatever tending to show that anyone voted illegally for McDonald, or that anyone voted for him otherwise than voluntarily, or that there were more votes cast and counted for him than he was entitled to; nor is there any testimony whatever tending

to show that Branaman was entitled to have more votes counted for him than were counted. There is no proof whatever that any money was used by Mr. McDonald or his supporters in any way in Lawrence County. Jackson County usually gives from ten to twelve hundred Democratic majority, and all the election machinery in Jackson County was therefore in the hands of the Democrats. The only and sole ground upon which the majority of your committee recommend that Branaman be seated, was that prior to and on the day of the election, it was publicly rumored in Jackson County that McDonald was using large sums of money to secure his election; and in support of such rumor, although not contained in the notice of contest, and over the objection of McDonald, Branaman introduced as a witness one Herman Bruning, of Seymour, for many years a saloon-keeper of that city, and a Democrat, who testified that although he was only in Seymour and Brownstown during the campaign, it was publicly rumored all over Jackson County that McDonald was using large sums of money to secure his election; that he had talked with people from all parts of Jackson County, and they spoke of the rumors that McDonald was so using money. Branaman testified in his own behalf that such was the public rumor in Jackson County, and that he had made two speeches in each township in Jackson County during the campaign, and that in each and every speech he had warned the people about the use of money by McDonald to secure his election, and the inference is that if Branaman did give such warning in his speeches that he and he alone is responsible for the origin of such rumor, and especially is the minority of your committee led to this conclusion, when there is no proof whatever that such rumor was true.

McDonald, in his behalf, introduced as witnesses Hamlin Smith, of Brownstown, who testified as follows:

Q. What connection if any had you with the campaign last fall?

A. I was chairman of the Republican central committee of the county.

Q. Jackson County?

A. Yes, sir.

Q. What time was you elected as such chairman?

A. I think it was in February or March.

Q. Then you were its chairman during its entire political campaign?

A. Yes, sir.

Q. I will ask you to state if you was pretty generally over the county?

A. I was.

Q. When did the campaign open down there?

A. About the middle of September.

Q. Between that time and the second of November, the day of the election, were you over the county pretty generally?

A. I was.

Q. I will ask you to state what rumor, if any, you heard in any part of the county concerning the use of money by Mr. McDonald to secure his election?

A. I never heard of any at all.

Wilbur C. Benton of Brownstown, Daniel Bedel of Crothersville, William Bennett of Salt Creek Township, W. P. Stewart, a Democrat of Seymour, Frank Fassold of Brownstown, County Commissioner-elect, all testified that there was no such public rumor in Jackson County, and that they never heard of such rumor in any part of said county, and that they never heard of Mr. McDonald or any one else using money to secure his election. McDonald offered to prove by these same witnesses before the committee that Branaman had used at least five thousand dollars (\$5,000) to secure his election and that it was publicly rumored in Jackson County that he did use money corruptly to secure his election, but the majority of your committee sustained the action of Mr. Branaman and would not allow the witnesses to testify on that point. The majority of your committee would not allow Mr. McDonald to introduce any testimony before the committee whatever showing the use of money by Branaman to secure his election. Your committee further show and report that at the time of taking the testimony before the two Justices of the Peace in Jackson County pursuant to the Statute, on behalf of Branaman, and after he had concluded the taking of testimony in his own behalf, McDonald asked the Justices of the Peace to issue a subpoena for certain witnesses in his behalf, but the Justices of the Peace declined to issue such subpoena, and that at the request of McDonald in-

dorsed their refusal upon the subpoena tendered to them for issuance. In consequence of their refusal to issue such subpoena, McDonald was compelled to and did, to secure testimony in his own behalf, serve notice on Branaman that he would take depositions in the case before a Notary Public; and at the time fixed for taking testimony, Branaman appeared in person and by counsel, and was present in person or by counsel during the taking of the testimony before the Notary, as appears in the record. The testimony thus taken was read before the committee but rejected by the majority of your committee, and not referred to in their report upon the ground that the testimony sought to show the corrupt use of money by Branaman to secure his election and was not therefore admissible. Notwithstanding the rejection of the testimony aforesaid, the minority of said committee, believing that it is a well settled rule of law that in a contested election case like this all the testimony pro and con should be received and acted upon, beg, leave to report that they have considered such testimony as pertinent in this case, as it affects the right of Branaman to occupy a seat as Senator. The testimony is substantially as follows:

Thomas Callahan of Houston, Jackson County, testified as follows:

Q. State your name, age and place of residence and occupation.

A. Thomas Callahan, 57, near Houston, Salt Creek Township, Jackson County, Indiana; farmer.

Q. State whether or not you are a legal voter in Jackson County, Indiana, and if so, how long you have been such.

A. I am; have been ever since I was twenty-one years old; raised in the county.

Q. Are you acquainted with William N. McDonald and Frank Branaman?

A. Yes, sir.

Q. Were they candidates for any office to be voted for at the November election, 1886, in Jackson County, Indiana, and if so, what?

A. Yes, sir; they were candidates for Joint Senator for Jackson and Lawrence counties.

Q. Did you have any conversation with Frank Branaman on the day of the election, or prior thereto, and while he was a candidate, in regard to the use of money by him in said election?

A. Yes.

Q. What was the conversation?

A. The conversation was with me and him, that if I would be all right he would deposit the money with Dr. Cummins and I could have it on election day.

Q. Did he mention any amount of money?

A. I believe \$30 he was talking about.

Q. Did he say anything about what the money was for, or what use was to be made of it?

A. He didn't say anything.

Q. Did you have any understanding as to what the money was for, or what use was to be made of it, and if so, what was it?

A. No understanding, any more than if I would be all right to work for him he would leave the money there for me. I don't know how he understood it.

William F. Glover being sworn, testified:

Q. State your name, age, residence and occupation.

A. William F. Glover; 46 years; near Freetown, Jackson County, Indiana; occupation, lawyer.

Q. State whether or not you are a legal voter in said township and county.

A. Yes; have been voting there ever since I voted.

Q. State whether or not you are acquainted with Frank Branaman, who was a candidate for Joint Senator from Jackson and Lawrence counties at the November election, 1886.

A. I am.

Q. State whether or not you had any conversation with him at any time prior to said election, while he was a candidate for said office, in reference to any proposition made by him to you about what he and you should do in regard to said election, and if so, state fully what said conversation was.

A. I had a conversation with him at Leesville, about ten days before the election, on Saturday week before the election.

He was making a political speech there that day, and I was there on business. Just after the speech he called to me and I stopped. He crossed the street and came over to me and asked how everything was over in Jackson, and I told him that he was in the hole; he wouldn't get the majority he was expecting. He then asked me what I was going to do. I told him that I was a Democrat, had always voted that way, and as yet had not felt inclined to change, and expected to support him as far as I knew at that time. He then asked me what I was doing. I told him what I was following for a livelihood. He then asked me if my affairs were so arranged that I could drop them at any time and go to work for him and in his interest. My answer was that I was always at the polls on election day and couldn't keep my mouth shut; was always ready to talk, and when I was for a man I was for him; that outside of what I would do that day I didn't feel that I could do anybody any good. His remark then was that he had heard tell of me and he wanted me to drop off my work two or three days and go to work for him. I insisted that I couldn't do him any good and he said I could. Can't recollect all that was said. He then told me that he wanted me to go to work and move everything before me, and he would furnish the money; didn't make any difference what it was, he would furnish it. I said "No, sir; when I am for a man I am for him, and money won't buy me." I then turned on my heel and left him.

Q. Did he say anything what he wanted you to do with the money?

A. No, sir; I didn't give him a chance.

John Manuel, being sworn, testified as follows:

Q. State your name, age, residence and occupation.

A. John Manuel, age twenty-seven, Freetown, Salt Creek Township, Jackson County, Indiana, laborer.

Q. Are you a legal voter in said township and county?

A. Yes, sir.

Q. Are you acquainted with Frank Branaman, who was a candidate for joint Senator from Jackson and Lawrence counties at the November election, 1886?

A. Yes, sir.

Q. Have you any knowledge or information about Frank Branaman coming to Freetown just before said election for the purpose of leaving money with any one there to be used in securing his election; if so, state what your knowledge or information is in regard to it.

A. I have no knowledge of it and no information of his being there for the purpose of leaving money.

Q. Do you know Jack Bond?

A. Yes, sir.

Q. Do you know of Frank Branaman being there shortly before the election?

A. He was there the morning of the election, and he was there before the election at different times.

Q. About what time did he get there on the morning of the election?

A. I saw him between daylight and sunup. They say he got there about 8 o'clock, but that I don't know.

Q. Who was he with when you first saw him?

A. He was standing in Granpa Acton's wood-yard talking to Stocker Wheeler, Joseph Cross and Wilbern Acton.

Q. Did you frequently see him with Stocker Wheeler that morning?

A. Yes, sir; three or four times.

Q. Was Jack Bond there also?

A. He was not there in the morning.

Q. Was Jack Bond there in the forenoon of the election or on the day or night before the election?

A. I didn't see him.

Q. At any time shortly before the election?

A. Not at Freetown. I didn't see him.

Q. At any time shortly before the election did you have any conversation with him about money being left with Stocker Wheeler to be used toward securing the election of Frank Branaman? If so, what was said in that conversation?

A. I saw him the evening before the election. He said to go to Stocker Wheeler and get money. He said it was Frank Branaman's money. He said to make it fly like hell.

Q. Did you afterward see Stocker Wheeler?

A. Yes, sir.

Q. Did you afterward, on election day, hear Stocker Wheeler say whose money it was, and what he was doing with it?

A. He said he hadn't got very much yet; didn't say whose it was; can't say whether I heard him say what he was doing with it.

Q. How frequently that day did you see Stocker Wheeler have money?

A. Can't say more than once.

Q. Did you hear Stocker Wheeler say that day that he had that money to give to voters to influence votes?

A. I did not.

Q. Did you hear him say who he got it from and when?

A. He said he hadn't got much yet, but would see him again after a bit and get some more.

Q. What time of day was it?

A. Just shortly after the polls opened in the morning.

Q. Was Frank Branaman in Freetown or about the polls at that time?

A. He was in town, but just where he was I couldn't tell.

Q. Who was Stocker Wheeler working for that day for Senator?

A. Can only judge from lip service; he was talking for Frank Branaman.

Q. What was Stocker Wheeler's politics at the November election, 1886, Democrat or Republican?

A. I couldn't tell.

Q. What was his politics before that day, if you know?

A. He claimed to be a Republican.

Q. Did you have any other conversation with him that day in which he said whether or not he had got any money?

A. I did not.

Cross-examined by attorney for contestee.

Q. Did you get any money from Frank Branaman that day?

A. You ask Branaman; that is the only way I will answer.



Q. Do you know of your own personal knowledge of anyone receiving money from Branaman?

A. I don't know that I do exactly.

Q. You said that Jack Bond said when he told you to go to Stocker Wheeler to make it fly like hell, he didn't say for you to buy votes with it, did he?

A. No, sir.

Joseph Combs, being sworn, testified:

Q. State your name, age, place of residence and occupation.

A. Joseph W. Combs, 48, live in Salt Creek Township, Jackson County, Indiana, about a half-way farmer when I have tools to work with.

Q. Are you a legal voter in said township and county?

A. I am.

Q. How long have you been a legal voter in said township and county?

A. About 26 years.

Q. Do you know Stocker Wheeler?

A. I do.

Q. In what township and county does he live?

A. Salt Creek, Jackson County.

Q. Are you acquainted with Frank Branaman, who was a candidate for Senator from Jackson and Lawrence counties at the November election, 1886?

A. I know him when I see him.

Q. Do you know what candidate for State Senator Stocker Wheeler was working for at the November election, 1886, and in the campaign prior thereto? If so, state.

A. I do; Frank Branaman.

Q. If you heard Stocker Wheeler on the day of said election, or at any time shortly before, say anything about the use of money to secure the election of Frank Branaman to said office, state what it was.

A. On Monday, before the election, I was at Maumee, in Salt Creek Township, and Stocker Wheeler came directly after I got there, and said he was electioneering. He says: "Combs,

I know you are the very man that can do the work." He says: "I have got Branaman's money, and if you don't believe it look here." He says: "How long are you going to be here?" And I said: "Maybe till noon, and maybe not so long," and I would give him an answer after noon. When he came back I was there. I had been home and got my dinner, and thought I would see what was in him. I said: "Stocker, you was joking about that matter." And he says: "Come down here. I want to talk to you." We went down there, and he says: "Combs, I know you are the very man we need in this end of Salt Creek Township." I said: "Stocker, you are talking about money; I don't believe you got any." He says: "If I hain't, you bet I can get it." He says: "I have got to go to Clear Springs, and I've got to report to Frank Branaman to-night." He says: "You just hold yourself as you are, and I can bring all the money you want." I left him and never saw him any more.

Q. Did he show you any money?

A. He did.

Q. How much?

A. I don't know, he had it in his hands, had lots of silver. He said: "Combs, if you don't believe I got money, here it is."

Q. Was it all silver, or silver and paper both?

A. All that I saw was silver.

Q. Did he say what he was going to do with it?

A. He aimed to use it in the election, he said.

Q. What did he say where he expected to see Frank Branaman, that night?

A. He said he was going to Brownstown to see him.

Q. Do you know Henry Tutes?

A. I do.

Q. Where does he live?

A. In Huston, Salt Creek Township.

Q. Did you hear him say anything about the use of money in the election?

A. I did.

Q. State what he said, when and where.

A. He said he had been watching the road all day for me in Huston the Sunday before the election. He says, "Frank Branaman is coming here to-morrow and he is going to give me two hundred dollars to use in the election." He says, "The reason is, Frank has been tending to several cases for me, and I have always acted white with him. I think you are the best man to use some of the money." He said, "Henry, you are joking, ain't you?" He said, "No; you just come right over here." We went around behind the store-house and he pulled out a long bottle, and said, "Combs, I have got something to drink here, and you bet I've got lots of money." He says, "Combs, you come up in the morning and Frank is to be here." I hitched up my buggy next morning and went up there, and I says, "Henry, do you remember what you said last night?" and he says, "I do." I says, "Has Frank come?" He says, "He hasn't." I stayed there awhile and drove off home; never saw him any more and never had any more talk with him about the subject.

John Able, being sworn, testified:

Q. State your name, age, residence and occupation.

A. John B. Able; 42; Redding Township, Jackson County, Indiana; farmer.

Q. Are you a legal voter in said township and county, and, if so, how long have you been such?

A. Yes, sir; born and raised in Redding Township.

Q. Are you acquainted with Frank Branaman, who was a candidate for State Senator from Jackson and Lawrence counties at the November election, 1886?

A. Yes, sir.

Q. Are you also acquainted with William T. Branaman, commonly known as Bee Branaman?

A. Yes, sir.

Q. State, if you know, what relation Frank Branaman and William T. Branaman are to each other.

A. Don't know, said to be brothers.

Q. State whether or not you received any money from either of them shortly before said election.

A. Yes, sir; I did.

Q. How much, and from which of them?

A. I got money of Frank, \$8.

Q. When?

A. I got it on Monday, night before the election.

Q. Where were you when you got it?

A. In Bee Branaman's office.

Q. Who all was present at the time?

A. Bee Branaman, Madden and myself and Frank Branaman.

Q. State what was said by you and Frank Branaman or Bee Branaman at the time the money was given to you.

A. I don't know that Bee said anything, and don't remember what all was said—it was to pay the toll and treat the boys, and pay expenses to bring a team over to fetch the boys over.

Q. What boys were there to bring over?

A. Several that worked for me and others.

Q. About how many?

A. I couldn't tell, between two and twenty—I didn't fetch them all.

Q. How much toll was to be paid?

A. I paid for all—told gate-keeper to let every one pass and I was to pay somewhere in the neighborhood of a dollar.

Q. When were the boys to be treated, and what to be treated to?

A. He never said. I done the treating myself.

Q. What did you treat them to, and when?

A. I gave them \$2.50 to get some whisky or treat themselves, I never took any whisky to the election in my life.

Q. How many trips did your team make, and what was the distance in taking the boys over?

A. The distance three or three and a half miles. A buggy and wagon one trip each.

Q. It was taking them from your house to the polls that was the trip?

A. Yes; to Rockford. I didn't take many down; took more back; some walked down.

Q. Where is W. T. Branaman's office?

A. Over the postoffice in Seymour.

Q. How did you happen to go there at the time you got the eight dollars there?

A. I met Frank in the street, and he told me to come and go up there and he would give me some money to pay toll and treat the boys. That was the amount of it.

Richard Madden, being sworn, testified:

Q. State your name, age, residence and occupation.

A. Richard Madden; age, thirty-seven; live in Hamilton Township, Jackson County, Indiana; am a farmer.

Q. Are you a legal voter in said township and county; and, if so, how long have you been such?

A. Been a voter in that township about thirteen years, and in this county about twenty-seven years.

Q. Are you acquainted with Frank Branaman, who was a candidate for Senator from Jackson and Lawrence counties, in said State, at the November election, 1886?

A. Yes, sir.

Q. Are you also acquainted with William T. Branaman, commonly known as Bee Branaman?

A. Yes, sir.

Q. What relation are they to each other, if you know?

A. Can't tell you; always understood that they were brothers.

Q. Did you receive any money from either of them shortly before the November, 1886, election, and while Frank Branaman was a candidate for said office?

A. Yes, sir; I did.

Q. How much?

A. I received ten dollars from Bee Branaman once, and five dollars from Frank.

Q. When and where did you get it?

A. Bee Branaman handed me ten dollars at the door at the foot of the stairs at the postoffice where he comes out of his office, and said it was for Frank.

Q. When was that ?

A. Early in the campaign ; before the convention ; before his nomination.

Q. What did he say at the time he gave you ten dollars ?

A. He said Frank wanted to help him some in the election, and he didn't expect me to work for nothing, and left that with him to hand to me.

Q. When and where did Frank Branaman give you the five dollars ?

A. Frank Branaman handed me five dollars on the corner near by Andrews' the night before the election.

Q. Who was present when he gave you the five dollars ?

A. Not only him and I, I think.

Q. What, if anything, was said ?

A. He just said to rally the boys—get the voters all out to the polls, as near as we could, the next day.

Q. Was that all that was said at that time ?

A. No, I don't know that that was all. We talked a little bit; not long. That was the substance of it.

William Bennett being sworn, testified :

Q. State your name, age, residence and occupation.

A. William Bennett, 26; Spraytown, Salt Creek Township, Jackson County, Indiana ; farmer.

Q. Are you acquainted with Frank Branaman, who was a candidate for State Senator from Jackson and Lawrence counties at the November election, 1886 ?

A. Yes, sir.

Q. Are you a legal voter of said township and county, and if so, how long have you been such ?

A. Yes, sir ; four years.

Q. Are you acquainted with Stocker Wheeler ?

A. Yes, sir.

Q. Where does he reside ?

A. Freetown, Salt Creek Township.

Q. What is his politics—Republican or Democrat ?

A. I don't know.

Q. What is your own politics?

A. Republican.

Q. What was Stocker Wheeler's politics before the election?

A. He claimed to be a Republican.

Q. State whether Stocker Wheeler made any offer of money to you on behalf of Frank Branaman to said office.

A. I don't know whether it was for Frank Branaman or not; he said he had money there to buy votes for Frank Branaman, and wanted to know what I would take for mine. Said he was paying from three to five dollars a head for them.

Q. Did he say whose money he had?

A. No.

Q. Did he say how much he had?

A. No. He said he had plenty of it; didn't say how much.

Q. Did you see him have money?

A. Yes.

Q. How did you happen to see the money?

A. He had it in his hand.

Q. About how much did he have in his hand?

A. I couldn't tell; it was in silver dollars.

Q. When and where was this?

A. The day of the election, at Freetown, across the street from the polls.

Q. Was Frank Branaman at Freetown that day?

A. Yes, sir.

Q. About how long was he at Freetown that day?

A. I don't know.

Q. About what hour was it when you first saw him that day?

A. About 8 o'clock when I first saw him.

Q. And about what hour did you last see him there that day?

A. I don't recollect of seeing him after dinner.

Q. Did you see him and Stocker Wheeler talking together that day?

A. They were in a crowd together, but I didn't see them talking.

Q. Did you hear Stocker Wheeler make any such statement as this, "That he was buying up Salt Creek Township, or the floaters of Salt Creek Township?"

A. Not any more than I stated.

Q. Did not Stocker Wheeler on that day offer to give you \$25, or some other amount, to work for Frank Branaman or secure votes for Frank Branaman?

A. No.

Q. Did he offer to give you anything to vote for Frank Branaman?

A. Only in the way I stated.

Q. State what candidate, if any, Stocker Wheeler was working for that day.

Charles Coleman, being sworn, testified:

Q. State your name, age, residence and occupation.

A. Charles Coleman; 57 the 16th of next April; Seymour, Jackson County, Indiana; laborer.

Q. Are you a legal voter of said township and county?

A. I am.

Q. How long have you resided in said township and county?

A. Twelve years.

Q. Are you acquainted with Frank Branaman, who was a candidate for State Senator from Jackson and Lawrence counties, in the State of Indiana, at the November election, 1886?

A. No, sir; have seen him; am not acquainted with him.

Q. Did any person offer you any money to vote for Frank Branaman for said office at said election?

A. Yes, sir, they did.

Q. Who was it made the offer?

A. He told me he was Branaman's brother, and stays there now; saw him the other day.

Q. Who told you he was Branaman's brother?

A. He told me himself, as high as three times.

Q. Did you know Mr. Branaman who was formerly Prosecuting Attorney?

A. Yes, sir; I have been up there once or twice and think I ought to know him.



Q. Was he the one that offered the money, or was it the younger, smaller one?

A. It was not the Prosecutor.

Q. How much did he offer you?

A. In the first place, he held a ticket in his hand open, then he folded it up and says: "If you will vote this ticket I will give you \$10," and I said I wouldn't vote it for twenty times ten dollars.

Q. When and where was this?

A. Here in Seymour, near Mr. Knowles' store, on the day of the election in the afternoon.

Q. How near was that to the place where they were voting in that precinct?

A. On the sidewalk at the corner, not less than twenty feet.

Q. What kind of a ticket was it he wanted you to vote, Republican or Democrat?

A. It said Democrat; the heading of it in the county was Mr. Branaman's name.

Q. What is your politics, Republican or Democrat?

A. If I am a Democrat I don't know it. I have a right to think Republican.

John Dixon, being sworn, testified:

Q. State your name, age, residence and occupation.

A. John Dixon, 21; Seymour, Jackson County, Indiana; horse trainer.

Q. When was you 21 years old?

A. Last April.

Q. How long have you resided in Seymour, Indiana?

A. About fifteen years.

Q. Are you acquainted with Frank Branaman, who was a candidate for State Senator from Jackson and Lawrence counties at the November election, 1886?

A. Yes, sir.

Q. State whether you had any conversation with any person on the day of the election about voting for Frank Branaman, and if so, state who said conversation was with and what was said.

A. Yes, sir, with young Branaman; don't know his given name. He wanted me to vote for Frank. I told him I wasn't ready yet. He wanted me to come on and go then and vote and we will go and get something to drink and get something else.

Q. Did he say what else you would get?

A. No, sir; he didn't say.

Q. Did you vote for Frank Branaman or not?

A. No, sir.

Q. Where was this conversation?

A. At the polls at Jos. Knowles'.

Q. Do you know William T. Branaman, who was once Prosecuting Attorney?

A. Yes, sir.

Q. Was he the Branaman you had a talk with?

A. No, sir, it was the other one.

Q. Do you know where William T. Branaman's office is and was at the time of the election?

A. Yes, sir.

Q. Was you in that office on the evening before the election?

A. Yes, sir.

Q. At what time was there any person made application for money to be used in the election next day?

A. Some fellow in there—McClellan, I believe—he is a grocery-keeper down here.

Q. Who all were in there, and what was said about it?

A. Me, young Branaman and McClellan, the store-keeper. Branaman asked him how was things, and he said that he had done all that he could without a little stuff to get the influence. Branaman said he couldn't do him any good, to come back this evening, and Frank would be there.

Q. Did McClellan, the store-keeper, say how much stuff he wanted?

A. No, I don't think he did. He said if he had some stuff he could do lots of good down there.

Q. Did he say how many votes he could get if he had the money?

A. No, he said he could do a right smart of good.

Q. About what time in the afternoon was this?

A. About 4 o'clock, I guess.

Q. Do you know whether McClellan did go back there that night?

A. I don't know whether he did or not. He said he was going when Frank came.

Q. Was this the same young Branaman that talked with you on election day?

A. Yes, sir.

Q. Did young Branaman say anything about voting for Frank when you was up in that office?

A. He asked me how it would suit me to vote for Frank.

Q. Did he ask you how much you would take to vote for Frank?

A. No, sir.

Q. At what time did he say anything to you about giving you anything if you would vote for Frank?

A. I don't believe he did.

Q. Did any person at that time or before offer you anything to vote for Frank, other than what you have said?

A. No, sir.

Q. At the time McClellan asked young Branaman for some stuff did you not understand it to be asking for money?

A. Yes, sir.

Dallas Taylor, being sworn, testified:

Q. State your name, age, residence and occupation.

A. Dallas Taylor; twenty-seven; Seymour, Indiana; selling liquor.

Q. Was you a legal voter in Jackson Township, Jackson County, Indiana, at the November election, 1886?

A. Yes, sir.

Q. Do you know Frank Branaman, who was a candidate for Senator from Jackson and Lawrence counties at said election?

A. Yes, sir.

Q. Did he give you any money prior to the day of said election and while he was a candidate for said office?

A. Yes, sir, he did.

Q. How much and when was it?

A. It was to the amount of fifteen or twenty dollars some two weeks before the election.

Q. Did he tell you then what to do with it?

A. Yes, sir.

Q. What did he tell you?

A. He told me he wouldn't be up very often, and to treat the boys when they came in.

Q. Do you remember of his giving you any other money while he was a candidate for said office?

A. No, sir.

Q. What is your politics, Republican or Democrat?

A. I generally vote the Democratic ticket.

Q. Did you use the money in the way Branaman had directed?

A. Yes, sir.

Q. Did you not understand that this money was given you to aid Branaman in securing his election to this office?

A. If treating the boys had anything to do with the election, I did.

Philip Meeh, being sworn, testified:

Q. State your name, occupation and place of residence.

A. Philip Meeh, twenty-six years old, at present saloon-keeper, Seymour, Indiana.

Q. Were you a legal voter in Jackson Township, Jackson County, Indiana, at the last November, 1886, election?

A. Yes, sir.

Q. Do you know Frank Branaman, who was a candidate for State Senator from Jackson and Lawrence counties, Indiana, at the last November, 1886, election?

A. Yes, sir; I know him.

Q. Have you a partner in your aforesaid business, and, if so, who is he?

A. Dal Taylor is my partner.

Q. Did Frank Branaman at any time while he was a candidate for said office give you or your partner any money?

A. He never gave me any money. I don't know whether he gave Mr. Taylor any or not.

Q. Did he give to either of you before the election day money to treat the voters?

A. Yes, sir; he did. He gave Mr. Taylor, so he told me, some money to treat the boys with—some ten or twelve dollars—I don't know exactly how much.

Q. Was you present when said money was given to Taylor?

A. No, I was not.

Q. Have you any knowledge of Frank Branaman giving Taylor money to treat voters with more than one time?

A. I think he gave him some before the primary convention, and then before the election; are the only times I know of his giving him money.

Q. How much did Mr. Branaman give Taylor before the primary?

A. I don't know hardly—some ten or twelve dollars. It might have been more or less.

John A. Goodale, being sworn, testified:

Q. Are you acquainted with Frank Branaman, who was a candidate for Joint Senator from Jackson and Lawrence counties at the November election, 1886?

A. I am.

Q. Are you acquainted with Stocker Wheeler, of Salt Creek Township, Jackson County, Indiana?

A. I am.

Q. State, if prior to said election, you heard Stocker Wheeler say anything about the use of money in said election in behalf of Frank Branaman, and if you did, state what he said.

A. I did. I heard him say he had \$100 of Branaman's money. I asked him what he was going to do with it, and he said he was going to carry Salt Creek Township. I told him I didn't think it would take money in Salt Creek Township. I didn't think there were any floaters out there. He said it would; that there was nearly half that could be bought. This conversation was not directly with me; it was in my house, and there were several present.

Q. When and where was this conversation?

A. It was in my place of business, in Seymour, the week before the election; I think the latter part.

Martin Farrell being sworn, testified:

Q. Are you acquainted with Frank Branaman, who was a candidate for State Senator from Jackson and Lawrence counties at the November, 1886, election?

A. Yes, sir.

Q. Are you acquainted with Stocker Wheeler, of Salt Creek Township, Jackson County, Indiana?

A. Yes, sir.

Q. State whether you heard him say anything prior to said election about the use of money in said election in behalf of Frank Branaman.

A. He said he had one hundred dollars of Frank Branaman's money to carry Salt Creek Township.

Alfred Maston, being sworn, testified:

Q. State your name, age, residence and occupation.

A. Alfred Maston; thirty-five; Jackson Township, Jackson County, Indiana; laborer.

Q. Are you acquainted with Frank Branaman, who was a candidate for State Senator from Jackson and Lawrence counties at the November election, 1886?

A. No, sir; I am not particularly acquainted with him. Don't know that I would know him if I was to meet him again.

Q. Did any person give or offer to give you any money to vote for him at said election?

A. Yes, sir; they did.

Q. Who was the person and how much money?

A. Charley Lanninger was the man who offered it to me, but was not the man who gave it to me. Five dollars was the amount.

Q. Who was the man who gave it to you?

A. That is more than I could tell. I didn't know him.

Q. Where was it that Charley Lanninger spoke to about it, and what did he say to you?

A. It was over here by Andy Fry's saloon. He just said he would give me that to work on in the election.

Q. Did he tell you who he wanted you to vote for?

A. He wanted me to vote for Branaman and told me he would give me that if I would help them out.

Q. Did Charley Lanninger mention any reason why he didn't hand the money to you himself, and if so what was it?

A. No.

Q. Where was you at when the money was given to you?

A. It was at the corner down below Fry's saloon.

John Russell, being sworn, testified:

Q. State your name, age, residence and occupation.

A. John Russell; age, twenty-eight; Jackson Township, Jackson County, Indiana; laborer.

Q. Are you acquainted with Frank Branaman, who was a candidate for Joint Senator from Jackson and Lawrence counties at the November election, 1886?

A. No, sir; don't know him when I see him.

Q. How long have you resided in said township immediately preceding the election?

A. For two years next month.

Q. Was you a legal voter at said election?

A. Yes, sir.

Q. Did any person on the day of said election or prior thereto give or offer to give you any money to vote for Frank Branaman for said office?

A. Yes, sir.

Q. Who was it and what was the amount?

A. Charley Lanninger, four dollars the amount.

Q. What did Charley Lanninger say to you at the time he gave you the money?

A. Well, he wanted me to help them out and treat the boys on just the same as Al here (Alfred Maston). We was both together that day.

Q. Was it silver or paper money that Lanninger gave you?

A. It was part silver and part paper as well as I can recollect.

Q. Who do you mean by Al—was that Alfred Maston who just testified before you?

A. Yes, sir, I call him Al; we are old acquaintances.

Q. Was you and Alfred Maston together when Lanninger gave you the money?

A. No, sir.

Q. Do you know how much was given to Alfred Maston?

A. I do not; only what he said himself.

Q. If they gave Alfred Maston five dollars, do you know why they gave him more than you?

A. No I do not.

Q. When the money was given to you did Charley Lanninger say who he wanted you to vote for?

A. He wanted me to vote for Branaman, the ticket that Branaman was on.

Q. Did Lanninger give you the ticket to vote?

A. Yes, sir.

Q. Did you vote for Frank Branaman for said office that day?

A. I did.

Q. What time in the day was this?

A. It was along about 4 o'clock.

Baalim Lett being sworn, testified:

Q. Are you acquainted with Frank Branaman who was a candidate for joint Senator from Jackson and Lawrence counties at the November election, 1886?

A. Yes, sir.

Q. Do you know Stocker Wheeler of Salt Creek Township, Jackson County, Indiana?

A. Yes, sir; I have met him a time or two and know him when I see him.

Q. Did you hear him say anything prior to said election about the use of money in said election in the interest of Frank



Branaman's election, and if you did what was it you heard him say?

A. He made the remark that he had some Branaman money to help carry Salt Creek Township.

Q. Did he say how much he had?

A. No, sir; he didn't say that I heard.

Q. When and where was it you heard him say this?

A. It was at John Goodale's saloon the week prior to the election.

Q. Did he say who furnished him the money?

A. He just said Branaman's money; didn't say who furnished it.

Q. How many persons were present when you heard him talking?

A. Seven or eight, I don't remember exactly.

William Woods being sworn, testified:

Q. State your name, age, residence and occupation.

A. William Woods; age, 38 past; printer, and live in Seymour, Johnson County, Indiana.

Q. Were you a legal voter in Seymour, Jackson County, Indiana, at the last November, 1886, election?

A. Yes, sir.

Q. Are you acquainted with Frank Branaman, who was a candidate for Joint Senator from Jackson and Lawrence counties at the November, 1886, election?

A. I know the man when I see him; I am not personally acquainted with him.

Q. State whether any person on the day of the election, or prior thereto, either gave or offered to give you any money to vote for Frank Branaman for said office.

A. They didn't propose to give me any, or say that they would give me money, but they said that I could get money to vote for Frank Branaman.

Q. Who was it said that to you, and when was it said?

A. Well, on Sunday before the election I was with Bill Champion down here in the west part of town, commonly known as "Smoky." He and I was talking about the election, and he told me that there would be money there, and I

could have money if I would vote for Branaman, and I said I wouldn't do it, that I was a Republican and could not vote for Branaman conscientiously, and would not vote at all for him.

Q. Did he tell you who would have the money, and if so who did he tell you would have it?

A. No, sir; he didn't say who would have it.

Q. Did he tell you how he knew there would be money there for that purpose?

A. No, sir.

Q. State whether any other person made any offer to give you, or proposal to give you, money to vote for Frank Branaman.

A. No one offered to give me any money, or made me any proposal, but Mr. Wm. McClellan told me that I could get two dollars to vote for Frank Branaman.

Q. When did he tell you that?

A. On the morning of the election; I was at work over here on Joe Ciger's front.

Q. Did he tell you where you could go to get it, or who you could get it from?

A. No, sir, he did not.

Q. Did he tell you how he knew it?

A. No, sir; he didn't tell me how he knew it.

Q. What are the politics of William Champion and William McClellan?

A. As for McClellan, I can't say; but Champion has always claimed to be a Democrat. I don't know how the man votes.

Q. Did either of these men tell you that they had got any money to vote for Frank Branaman?

A. No, sir.

Q. State who they worked for for Senator in said election, if you know.

A. I don't know.

Q. If William Champion said anything more on the subject of your getting money to vote on the election, state what it was he said to you.

A. He didn't say anything more than what I have told you before about getting money on the election.

**Q.** What, if anything, did he say about you seeing Frank Branaman or William T. Branaman?

**A.** He told me that Bee Branaman wanted to see me before I voted, and he came to me as much as three or four times and asked me if Bee Branaman had seen me yet. I said he had met me, but hadn't said anything to me; hadn't as much as bid me the time of day. Frank Branaman, he told me on the morning of the election, was in town and wanted to see me, but I never saw him; don't remember that I saw him that day.

Such was the character of the testimony taken by Mr. McDonald, but which was rejected by the majority of the committee for the reason that it tended to prove that Branaman had used money corruptly to secure his election, and yet the committee was considering not only the question of unseating McDonald, but also the question of seating Branaman in his place, and the minority of your committee are of the opinion that such testimony was competent and abundantly sufficient to prevent the Senate from seating Branaman; and especially is the minority of your committee of that opinion since Branaman at no time denied the truth of the evidence offered against him, although he went upon the witness stand before the committee, where he had an opportunity of denying the corrupt use of money to secure his election, but did not do so; nor did he offer to testify concerning the use of money by him in any way. The majority of your committee recommended the unseating of McDonald and the seating of Branaman upon the ground, and that alone, that McDonald had used or offered to use money to secure his election, and that such use of money was publicly known in Jackson County. The corrupt use of money by a candidate to secure his election to an office disqualifies him from holding the office, but it does not thereby render him ineligible to the office; yet the majority of your committee acted upon the assumption that the use of money corruptly, when that fact was publicly known, rendered McDonald ineligible and thereby entitled Branaman, who received the next highest number of votes, to take his place in the Senate. In the case of *Gulick vs. New*, 14th Ind. p. 98, the Supreme Court held that when a majority of the ballots at an election were cast for a person not eligible to the office under the Constitution, that such ballots were inef-

fectual, and that the person receiving the greatest number of legal votes, though not a majority of the ballots, was elected and entitled to the office. But this is a case where a judicial officer was elected to the office of Sheriff before the expiration of the term for which he had been elected to such judicial office, and, under the Constitution, is therefore ineligible to hold any other than a judicial office during the term to which he was elected to such judicial office; but such is not the case here, for Mr. McDonald was eligible to hold the office of Senator, and was eligible to be voted for at said election, and if the report of the majority of your committee as to the corrupt use of money by him to secure his election were true, it would simply go to his disqualification to hold the office and not to his eligibility to the office, and therefore Branaman would not be entitled to a seat in the Senate. Again, in the case of the State ex. rel. Morley vs. Johnson et al., 100 Indiana, p. 489, it was held that where a township trustee had held office two consecutive terms, he was not eligible to re-election to succeed himself for a third term, for the reason that the statute limits his holding of such office at two consecutive terms, and if he sought re-election a third term to succeed himself he was ineligible not to hold the office, but ineligible to election, and that votes thus cast for him would not be counted against an eligible candidate, as the public were chargeable with his ineligibility. Here again the question was not that he had disqualified himself from holding the office, but that he was ineligible to election. Such is the law in this State, and perhaps in this State alone, but no authority can be found anywhere to the effect that where one disqualifies himself from holding office, by the use of money to secure his election, that the next one receiving the highest number of votes is entitled to the office. It will thus be seen that votes cast for an ineligible candidate, or rather a candidate who is ineligible to election, are not counted; but such is not the case when one is eligible to the office, as McDonald clearly was, but disqualifies himself from holding the office, merely, as reported by the majority of the committee. Such a procedure is a novel and unwarranted way of electing members to the General Assembly, and can not be sustained by any authority from any tribunal, judicial, or otherwise, save and except the Senate of Indiana.

Again, there was no evidence before the committee tending to show what number of votes were cast for Branaman, nor was there any evidence whatever before the committee showing that Branaman had received any votes, except those who testified as witnesses in the case, and the majority of them testified that they voted for Branaman through the influence of money. There is, therefore, no evidence in the case showing or tending to show that Branaman received the next highest number of votes, or that he is entitled to McDonald's seat in case he should be unseated, upon the ground of having received the next highest number of votes, and it is a mystery to the minority of your committee how it was ascertained that any votes were returned and canvassed for Branaman, as it is not even shown in the notice of contest that Branaman received any votes, and, therefore, for that reason is not entitled to the seat, even if McDonald should be unseated. Your committee, after a careful examination of all the testimony in the case, are of the opinion that McDonald is clearly entitled to retain his seat; that he has not disqualified himself from holding the office of Senator (if the position of Senator be an office), and that he was eligible to election. Your committee, therefore, recommend the adoption of the following resolution:

*Resolved*, That William N. McDonald, Senator elected from the counties of Jackson and Lawrence to the present General Assembly of Indiana, was eligible to election as such Senator, and that he has not disqualified himself from holding such office by the use of money or otherwise to secure his election, and that he is entitled to retain his seat as such Senator in this General Assembly.

Inasmuch as the report of the majority of the committee was acted upon before the minority report was reported to the Senate and Mr. McDonald unseated and Mr. Branaman seated, the minority of your committee, while believing that there was no evidence whatever tending to disqualify McDonald from holding the office of Senator, yet having been unseated, the minority of your committee are clearly of the opinion that it was unconstitutional and in violation of law to seat Branaman in his stead, and protesting against that mode of electing a Senator, we recommend the adoption of the following resolution:

*Resolved*, That Frank Branaman is not entitled to a seat in the Senate as Senator from Jackson and Lawrence counties for the reason that he has disqualified himself from holding such office by reason of the corrupt and unlawful use of money, by himself and through his supporters, in trying to secure his election as such Senator; and that, for that reason, he should be unseated and the office of Senator from Jackson and Lawrence counties be, and the same is, hereby declared vacant.

J. M. DRESSER,  
GEO. MOON,  
R. B. SEARS.

Senator Dresser moved the adoption of the report and resolution.

Senator Griffith moved that the further consideration of said report and resolution be postponed to Thursday, February 8, 1887; and that their consideration be made a special order for that day at 2 o'clock p. m.; and that one hour be given to each side to discuss the same.

Senator DeMotte moved to amend the motion of Senator Griffith as follows:

I move that the report and resolutions be made a special order for next Thursday at 2 o'clock p. m.

The question being on Senator DeMotte's motion to amend Senator Griffith's motion,

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears, Thompson of Jasper, and Winter. Total, 18.

Those voting in the negative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Peterson, Rahm, Schloss, Sellers, Shively,

Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, and Mr. President. Total, 30.

So the amendment was lost.

The question recurring on Senator Griffith's motion.

Pending discussion a roll of the Senate was called, preparatory to repairing to the hall of the House of Representatives to meet the House in joint convention, which the Senate did at 12 o'clock noon.

The Senate and House of Representatives met in joint convention in the Hall of the House of Representatives, pursuant to adjournment, at 12 o'clock noon, January 25, 1887, for the purpose of electing a United States Senator to the Congress of the United States for the State of Indiana, for the term of six years, commencing March 4, 1887.

The Hon. A. G. Smith, President of the Senate, called the Joint Convention to order, and ordered the Secretary to call the roll of the Senate, which, being done, showed that all Senators were present.

The Speaker of the House then ordered the Clerk to call the roll of the House, which, being done, showed that all the Representatives were present.

On motion of Mr. Robinson, the reading of the Journal of the Joint Convention of yesterday was dispensed with.

Hon. A. G. Smith ordered the Secretary to call the roll of Senate on the eighth ballot for United States Senator, which, being done, resulted as follows:

Those voting for Hon. David Turpie were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Jennings, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman. Total, 32.

Those voting for Hon. Benjamin Harrison were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears, Thompson of Jasper, Winter. Total, 18.

Those voting for Hon. Jason H. Allen were, none.

The Speaker of the House ordered the Clerk to call the roll the House on the eighth ballot for United States Senator, which, being done, resulted as follows:

Those voting for Hon. David Turpie were :

Representatives Askren, Barnes, Beasley, Bertram, Blinks, Buskirk, Clarke, Connely, Cox of Cass and Miami, Cox of Miami, Cruson, Cushman, Custer, Darroch, Foley, Foster, Galbraith, Garrison, Gordon, Harrell, Ibach, Jewett, Kellison, Major, Metzger, Mock, Montgomery of Owen, Niblack, Parker, Patten, Pierce, Pleasants, Roberts, Schley, Selvey, Shambaugh, Shields, Stull, Sunman, Weyand, White, Whitworth, Worrall. Total, 43.

Those voting for Hon. Benjamin Harrison were :

Representatives Ackman, Alexander, Barnard, Briant, Brown, Buckles, Carrick, Catey, Caven, Commons, Conder, Conger, Covert, Davis, Dickerson, Dunn, Fleece, Friend, Gardiner, Gough, Green, Griffiths, Grose, Groves, Harley, Hobson, Howard, Kelley of Boone, Kelly of Lagrange, Kercheval, Klein, Leighty, Linck, Little, Loop, McCallum, McCray, McMath, Miller, Morse, Montgomery of Gibson, Nolin, Osborn, Oursler, Pleak, Reynolds, Scott, Sinclair, Stubblefield, Thompson, Trout, Van Slyke, Mr. Speaker. Total, 53.

Those voting for the Hon. Jason H. Allen were :

Representatives Cates, Glover, Mackey, Robinson. Total, 4.

Hon. A. G. Smith announced the total vote of the Joint Convention as follows:

David Turpie, 75; Benjamin Harrison, 71; Jason H. Allen, 4. Necessary to a choice, 76.

No one having received a majority of all the votes cast, there was no election, and it was in order to proceed to another



ballot, and ordered the Secretary to call the roll of the Senate on the ninth ballot for United States Senator, which, being done, resulted as follows :

Those voting for Hon. David Turpie were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Jennings, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir and Zimmerman. Total, 32.

Those voting for Hon. Benjamin Harrison were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Mcon, Shroyer, Sears, Thompson of Jasper, and Winter. Total, 18.

Those voting for Hon. Jason H. Allen were, none.

The Speaker of the House ordered the Clerk to call the roll of the House on the ninth ballot for United States Senator, which being done, resulted as follows :

Those voting for Hon. David Turpie were :

Representatives Askren, Barnes, Beasley, Bertram, Blinks, Buskirk, Clarke, Connely, Cox of Cass and Miami, Cox of Miami, Cruson, Cushman, Custer, Darroch, Foley, Foster, Galbraith, Garrison, Gordon, Harrell, Ibach, Jewett, Kellison, Major, Metzger, Mock, Montgomery of Owen, Niblack, Parker, Patten, Pierce, Pleasants, Roberts, Schley, Selvey, Shambaugh, Shields, Stull, Sunman, Weyand, White, Whitworth and Worrall. Total, 43.

Those voting for Hon. Benjamin Harrison were :

Representatives Ackman, Alexander, Barnard, Briant, Brown, Buckles, Carrick, Catey, Caven, Commons, Conder, Conger, Covert, Davis, Dickerson, Dunn, Fleece, Friend, Gardiner, Gough, Green, Griffiths, Grose, Groves, Harley, Hobson, Howard, Kelley of Boone, Kelly of Lagrange, Kercheval, Klein, Leighty, Linck, Little, Loop, McCallum, McCray, McMath, Miller, Morse, Montgomery of Gibson, Nolin, Osborn, Oursler,

Pleak, Reynolds, Scott, Sinclair, Stubblefield, Thompson, Trout, Van Slyke, and Mr. Speaker. Total, 53.

Those voting for Hon. Jason H. Allen were :

Representatives Cates, Glover, Mackey and Robinson. Total, 4.

Hon. A. G. Smith announced the total vote of the joint convention, as follows :

Hon. David Turpie, 75 votes; Hon. Benjamin Harrison, 71 votes; Hon. Jason H. Allen, 4 votes.

Necessary to a choice, 76 votes.

No one having received a majority of all the votes cast, there was no election, and it was now in order to proceed to another ballot.

Whereupon, Senator Duncan of Tipton moved that the joint convention adjourn.

Motion carried, and the convention adjourned.

The Senate returned to the Senate Chamber at 12:20 o'clock P. M.

The President of the Senate announced that if there was no objection the time for hearing special order set for this evening at 2 o'clock would be changed to 10 o'clock to-morrow morning.

It was so ordered.

Senator Huston moved that when the Senate adjourn it adjourn to 2:30 o'clock P. M.

Carried.

On motion of Senator Huston the Senate adjourned.

## AFTERNOON SESSION.

JANUARY 25, 1887.

The Senate met, pursuant to adjournment, at 2:30 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

The question being on the motion of Senator Griffith to postpone action on Senator Dresser's motion, and to make the consideration of the report and resolutions a special order.

The motion carried.

Senator Huston moved to reconsider the vote by which Senator Griffith's motion was carried.

Senator French moved to lay that motion on the table.

The ayes and noes being demanded and taken resulted as follows:

Those voting in the affirmative were:

Senators Bailey, Cox, French, Griffith, Hale, Howard of Decatur, Logsdon, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Urmston, and Zimmerman. Total, 15.

Those voting in the negative were:

Senators Barrett, Berry, Bryant, Campbell, Davis, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, Harness, Howard of St. Joseph, Huston, Johnson, Kennedy, Macy, Marshall, McClure, McDonald, Moon, Shroyer, Sears, Smith of Wells, Thompson of Marion, Tippet, Winter, Weir, and Mr. President. Total, 31.

So the motion to lie on the table was lost.

The question recurring on Senator Huston's motion to reconsider the vote by which Senator Griffith's motion was carried.

The question was put and the motion carried.

The motion of Senator Griffith being put again to postpone consideration on the report and resolution, and to make it a special order for February 3, 1887, at 2 o'clock p. m. of that day, and to one hour to each side to discuss the same.

The ayes and noes being demanded and taken, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman, and Mr. President. Total, 31.

Those voting in the negative were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears, Winter. Total, 17.

Motion carried.

Senator Bailey, Chairman of the Committee on Elections, presented the following report on Senate Bill No. 144:

MR. PRESIDENT:

Your Committee on Elections, to whom was referred Senate Bill No. 144, would respectfully report that they have had the same under consideration, and would recommend the passage of the substitute herewith reported.

### SENATE BILL No. 144.

An act providing for the destruction of election ballots after the same have been counted, the appointment of additional judges and clerks of elections, providing for the manner of counting ballots, prescribing certain penalties, repealing all laws or parts of laws in conflict herewith, and declaring an emergency.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That after the Election Board, at any election held in this State, has counted, tabulated and certified to the result of said election, the ballots shall be burned and fully destroyed in the presence of said Election Board before the same shall have dissolved or adjourned: *Provided, however*, That if, during the counting of said ballots, there shall be any dispute as to the validity, defect, misprint or other irregularity pertaining to any ballot cast at such election, this act shall not be con-

strued as requiring the destruction of said disputed ballots, but the same shall be preserved according to law, to be used as evidence in any contest which may thereafter arise: *And provided further*, That before said ballots are destroyed the Inspector and the four Judges of said Board shall each receive a certified copy of a certificate of the number of votes cast for each candidate voted for at such election, duly signed under the hand of every member of said Board, including the Clerks thereof.

SEC. 2. When the votes shall be counted, the Inspector and the four Judges and Clerks of said Board shall make out a certificate under their hands, stating the number of votes each person has received, and designating the office; which number shall be written in words; and such certificate (as provided in the foregoing section), together with one of the lists of voters and one of the tally papers, shall be deposited with the Inspector, or with one of the Judges, who may be selected by the Board of Judges.

SEC. 3. As soon as the votes are counted, and before the five certificates to be given, one to the Inspector and one each to the four Judges of said Board, as prescribed in section 1 of this act, are made out, the defective or disputed ballots, with one of the lists of voters and one of the tally papers, shall, in the presence of the Judges and Clerks, be carefully and securely placed by the Inspector, in the presence of the Judges, in a strong and stout paper envelope or bag, which shall then be tightly closed and well sealed with wax by the Inspector, and shall be delivered by such Inspector to the County Clerk at the very earliest possible period, before or on the Thursday next succeeding such election; and the Inspector shall securely keep said envelope containing the defective or disputed ballots and papers therein, and permit no one to open said envelope, or touch or tamper with said defective or disputed ballots or papers therein. And upon the delivery of such envelope to the Clerk, said Inspector shall take and subscribe an oath before said Clerk that he has securely kept said envelope, the defective or disputed ballots and papers therein, and that, after said envelope had been closed and sealed by him in the presence of the Judges and Clerks, he had not suffered or permitted any person to break the seal or open said envelope or touch or tamper with said disputed ballots or papers, and that

no person has broken such seal or opened said envelope to his knowledge; which oath shall be filed in said Clerk's office with the other election papers. Before the papers and defective or disputed ballots shall be sealed up in the envelope as directed in this section, the number of defective ballots thus to be placed therein shall be counted and recorded in the five certificates to be made out as provided in section 1 of this act, and the same shall be designated in such certificate as "defective or disputed ballots," but no ballot which has been counted shall be preserved or so recorded.

SEC. 4. There shall be appointed, in the same manner as Election Boards are now appointed, two additional Judges of Elections and two additional Clerks of Elections for each and every precinct in the State of Indiana, one of which Judges and one of which Clerks shall be chosen from each of the two dominant political parties presenting candidates to be voted for. Such additional Judges and Clerks, as herein provided, shall take the same oath as is now prescribed for Judges and Clerks of Elections, and, together, they shall constitute a Board to be known as the "Counting Board" of such elections; and the Board of Election as now constituted shall be known as the "Receiving Board."

SEC. 5. The Board of County Commissioners of each county shall provide, at the expense of the county, a sufficient number of ballot boxes to furnish two to each voting precinct. Each ballot box shall have at least two locks, and be otherwise so constructed as to contribute toward the prevention of fraud.

SEC. 6. So soon as fifty ballots shall have been deposited in any ballot box at any election held in this State, it shall be the duty of the "Counting Board," as provided for in section 4 of this act, to remove the box containing the said fifty ballots, which box shall be replaced with another ballot box of like character, provided and ready for such purpose, in which the "Receiving Board" shall continue to deposit votes as they shall be received, and said "Counting Board" shall immediately proceed, in the same room, or apartment where said ballots are being cast, to count and tabulate the said fifty ballots first received and deposited, and to so continue, as often as fifty ballots shall have been cast at said election, and until all the ballots cast at said election shall have been cast, counted and tabulated according to law.

SEC. 7. It shall be unlawful, at any time before the polls have been finally closed, at any election, and during the time in which said ballots are being cast, for any member of either of said Boards to make known to any person not a member thereof the result of said count at any stage of the counting or receiving of said ballots; and any member of either Board who shall violate any provision of this section shall be deemed guilty of a felony, and, upon conviction thereof, shall be imprisoned in the State Prison not less than one year nor more than five years, and be fined in any sum not less than one hundred dollars nor more than one thousand dollars, and be disfranchised for any determinate period, not exceeding twenty years. Upon the organization of any Election Board at any election held in this State, the oaths heretofore prescribed for Inspectors, Judges and Clerks of elections, shall be so amended and modified as to embrace the provisions of this section.

SEC. 8. During the receiving and counting of the ballots, no person or persons shall congregate or loiter within fifty feet of the polling place of any election precinct, or in any manner hinder or delay any elector in reaching or leaving the place fixed for casting his ballot, or within such distance of fifty feet to give, or tender, or exhibit any ballot or ticket to any person other than a member of the Board of Election, or to exhibit any ticket or ballot which he intends to cast, or solicit, or in any way attempt to influence any elector in casting his vote. The provisions of this section shall not prohibit either of the dominant political parties, having candidates to be voted for at such election, from each having one challenger, and one man to hold a poll-book at or near the voting precinct, and within the distance of fifty feet herein prescribed. Any person willfully violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty dollars nor more than one hundred dollars, or be imprisoned in the county jail not less than ten days nor more than six months.

SEC. 9. All laws or parts of laws in conflict with this act are hereby repealed.

SEC. 10. An emergency existing for the immediate taking effect of this act, the same shall be in force from and after its passage.

Senator Weir, from the Committee on Claims, presented the following report on Senate Bill No. 18:

**MR. PRESIDENT:**

Your committee, to whom was referred Senate Bill No. 18, introduced by Senator Thompson of Marion, have had the same under consideration, and direct me to report the same back to the Senate, with a recommendation that it do pass.

Senator Weir, from the Committee on Claims, presented the following report on Senate Bill No. 5:

**MR. PRESIDENT:**

Your committee to whom was referred Senate Bill No. 5, introduced by Senator Howard of St. Joseph, have had the same under consideration, and direct me to report the same back to the Senate with a recommendation that it do pass.

Senator Weir, from the Committee on Claims, presented the following report on Senate Bill No. 75:

**MR. PRESIDENT:**

Your committee to whom was referred Senate Bill No. 75, introduced by Senator Logsdon, have had the same under consideration, and direct me to report the same back to the Senate with a recommendation that the claim should be allowed, and that the same be referred to the Committee on Finance, with instructions to place the same in the specific appropriation bill.

Senator Weir, from the Committee on Claims, made the following report:

**MR. PRESIDENT:**

Your committee, to whom was referred the claim of Bert P. Davidson, introduced by Senator Dresser, have had the same under consideration, and direct me to report the same back to the Senate, with a recommendation that the claim should be allowed, and that the same be referred to the Committee on Finance, with instructions to place the same in the specific appropriation bill.

WEIR,  
Chairman.

Report adopted and referred to Committee on Finance.



The following message was received from the House:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed a concurrent resolution in regard to the fence around the Tippecanoe Battle Ground, and the same is herewith transmitted.

I am also directed by the Speaker to inform the Senate that he has appointed as such committee on part of the House, Messrs. Osborn, Howard and White.

The following is the resolution accompanying the foregoing message:

WHEREAS, The fence inclosing the ground of the battle of Tippecanoe is reported to be in bad repair, and that the same is liable to serious damage from rust and other causes, and it is also further reported that the grounds have become a public commons for stock; therefore, be it

*Resolved*, That a committee of three on the part of the House and two on the part of the Senate be appointed to visit said grounds and carefully examine the same, the fence inclosing the same, and report to this General Assembly on Monday next the condition of said grounds and fence and what sum they may deem necessary to repair the same.

Senator Hale, from the Committee on Inspection of the Journal, made the following report:

MR. PRESIDENT:

Your Committee on Inspection and Supervision of the Journal of the Senate beg leave to report that we have examined said journals for January 19, 20, 21 and 22, 1887, and find the same correct.

S. W. HALE,  
Chairman.

The report was concurred in.

Senator Bryant, from the Committee on County and Township Business, to whom was referred Senate Bill No. 97, have had the same under consideration and recommend the following amendments, viz.: In line 15, on page 1, strike out the word "fifty" and insert in lieu thereof the word "ten" and report that the bill as amended should pass.

Senator Bryant from the Committee on County and Township Business presented the following report on Senate Bill No. 111.

MR. PRESIDENT :

Your Committee on County and Township Business, to whom was referred Senate Bill No. 111, have had the same under consideration, and recommend that the same do pass.

[Signed.]

D. C. BRYANT,

Chairman Committee on County and Township Business.

Senator Bryant, from the Committee on County and Township Business, to whom was referred Senate Bill No. 122, made the following report :

MR. PRESIDENT :

Your Committee on County and Township Business, having had under consideration Senate Bill No. 122, recommends that the same be amended as follows: On page 4, line 14, insert after the word "utility," "and if the construction of such highway over and through the grounds of such cemetery can be done without damage to the said cemetery, or the owner or owners of any lot or lots in said cemetery," and after being so amended recommend that the same do pass.

D. C. BRYANT,

Chairman.

Senator Howard of St. Joseph, from the Committee on Swamp Lands, made the following report:

MR. PRESIDENT :

Your Committee on Swamp Lands and Drainage would respectfully report that they have had under consideration Senate Bill No. 154, introduced by Senator Thompson of Jasper, and have directed me to report as follows :

The committee recommend that the following amendments be made to said bill :

Section 2, page 3, line 11, strike out the words "two-thirds," and insert the words "a majority."

Same section, on page 1, line 14, strike out "two-thirds" and insert "more than one-half."

Same section and page, lines 19 and 20, strike out "contributed voluntarily or involuntarily to the cost of constructing," and insert "paid on assessment for the construction of."

On page 4, line 7, from bottom, strike out "3,000 feet," and insert "one mile."

On page 2, after blank form of notice, insert following: "Proof of service of said notice shall be by return of Sheriff or by affidavit of other person by whom the same shall be served."

The committee further recommend that 1,000 copies of said bill, as amended, be printed, and that the bill be recommitted to said committee.

T. E. HOWARD,  
Chairman.

Senator Duncan of Brown, from the Committee on Education, presented the following report on Senate Bill No. 88.

MR. PRESIDENT:

Your committee to whom was referred Senate Bill No. 88, introduced by Senator Sellers, have had the same under consideration and direct me to report the same back to the Senate with a recommendation that it do pass.

Senator Duncan of Brown, from the Committee on Education, presented the following report on Senate Bill No. 83:

MR. PRESIDENT:

Your committee to whom was referred Senate Bill No. 83, introduced by Senator Griffith, have had the same under consideration and direct me to report the same back to the Senate with a recommendation that it do pass.

Senator Duncan of Brown, from the Committee on Education, made the following report on Senate Bill No. 155:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 155, have had the same under consideration, and direct me to report the same back to the Senate with a recommendation that it be laid upon the table, as the same is a duplicate of Senate Bill No. 83, which was recommended to pass.

W. C. DUNCAN,  
Chairman.

Senator Duncan of Brown, from the Committee on Education, to whom was referred Senate Bill No. 93, made the following report:

**MR. PRESIDENT:**

Your committee, to whom was referred Senate Bill No. 93, introduced by Senator DeMotte, have had the same under consideration, and direct me to report the same back to the Senate with a recommendation that it be laid upon the table, as the same is a duplicate of Senate Bill No. 93, which was recommended to pass.

W. C. DUNCAN,  
Chairman.

Senator McClure, from the Committee on Federal Relations, presented the following report on Senate Bill No. 153:

**MR. PRESIDENT:**

Your committee, to whom was referred Senate Bill No. 153, introduced by Senator Sellers, have had the same under consideration and direct me to report the same back to the Senate with the recommendation that it do pass.

McCLURE,  
Chairman.

Senator McClure, from the Committee on Federal Relations, made the following report on Senate Bill No. 74:

**MR. PRESIDENT:**

Your committee, to whom was referred Senate Bill No. 74, introduced by Senator Howard of Decatur, have had the same under consideration, and direct me to report the same back to the Senate with a recommendation that it do not pass.

McCLURE,  
Chairman.

Senator Sellers, from the Committee on Judiciary, made the following report on House Bill No. 46:

**MR. PRESIDENT:**

Your Committee on Judiciary, to whom was referred House Bill No. 46, have had the same under consideration, and beg leave to report recommending that said bill be passed.

SELLERS,  
Chairman.

Senator Sellers, from the Committee on Judiciary, made the following report on Senate Bill No. 19:

MR. PRESIDENT :

Your Committee on Judiciary, to which was referred Senate Bill No. 19, beg leave to report recommending that said bill be amended by adding to Section 2 thereof the following, to-wit: "Provided this act shall not authorize the issuance of bonds for the purpose of funding nor the levy of any tax to pay any indebtedness of a city or town which has been held to be illegal by any court of competent jurisdiction, nor shall this act be construed to have the effect of legalizing any illegal debt of or any bonds illegally issued by any city or town," and that when said bill be so amended that the same do pass.

SELLERS,  
Chairman.

Senator Sellers, from the Committee on Judiciary, to whom was referred Senate Bill No. 20, made the following report:

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred Senate Bill No. 20, begs leave to report recommending that said bill be amended by striking out all of said bill following the enacting clause and inserting in lieu thereof the following: "That section 56 of said act be amended so as to read as follows, to-wit:

SEC. 56. It shall be the duty of such justice to give the defendant an opportunity to employ counsel, if so desiring; and the justice shall also notify the Prosecuting Attorney or his deputy of the proceedings, if they, or either of them, are present within the township, but the justice shall not tax a fee in favor of the Prosecuting Attorney in person or by his deputy appears in such case on behalf of the State."

Your committee further recommends that the following be adopted as the title of said bill in lieu of the present title, to-wit:

An act to amend section 56 of an act entitled an act concerning proceedings in criminal cases, approved April 19, 1881, the same being Section 1629 of the Revised Statutes of 1881, and that when the same is so amended that it do pass.

SELLERS,  
Chairman.

Senator Sellers, from the Committee on Judiciary, made the following report on Senate Bill No. 36:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 36, begs leave to report recommending that said bill lie upon the table.

SELLERS,  
Chairman.

Senator Sellers, from the Committee on Judiciary, made the following report on Senate bill No. 85:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 85, begs leave to report recommending that said bill be passed.

SELLERS,  
Chairman.

Senator Sellers, from the Committee on Judiciary, presented the following report on Senate Bill No. 25:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 25, begs leave to report recommending that said bill be indefinitely postponed.

Senator Sellers, from the Committee on Judiciary, presented the following report on Senate Bill No. 39:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 39, begs leave to report recommending that said bill be amended by striking out of section 1 the words "fifty thousand dollars," and insert in lieu thereof the words "not less than ten thousand dollars nor more than fifty thousand dollars, to be fixed by such Board of Commissioners," and that it be further amended by striking out the figures "\$50,000.00," and that when so amended said bill do pass.

SELLERS,  
Chairman.

Senator Sellers, from the Committee on Judiciary, presented the following report on Senate Bill No. 44 :

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 44, has had the same under consideration and beg leave to report recommending that said bill do pass.

SELLERS,

Chairman.

Senator Sellers, from the Committee on Judiciary, made the following report on Senate Bill No. 84:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 84, having had the same under consideration, beg leave to report recommending that said bill be passed.

SELLERS,

Chairman.

Senator Peterson, from the Committee on Roads, to whom was referred Senate Bill No. 149, makes the following report:

MR. PRESIDENT:

Your committee to whom was referred Senate Bill No. 149, having had the same under consideration, recommends that said bill be amended by inserting on page 5, line 8, immediately after the word "report," the following words: "Also, by posting copies of said notice, together with a complete list and description of the several tracts of real property benefited, and the several amounts apportioned and assessed against each five public places along the line of said toll road," and that when so amended the same do pass.

[Signed,]

SILAS PETERSON,

Chairman Committee on Roads.

Senator Peterson, from the Committee on Roads, to whom was referred Senate Bill No. 98, made the following report :

MR. PRESIDENT:

Your Committee on Roads, to whom was referred Senate Bill No. 98, have had the same under consideration, and recommend that the bill be indefinitely postponed.

[Signed,]

SILAS PETERSON,

Chairman Committee on Roads.

Senator Peterson, from the Committee on Roads, made the following report on Senate Bill No. 64:

MR. PRESIDENT:

Your committee to whom was referred Senate Bill No. 64 beg leave to report that they have had the same under consideration, and recommend that the bill do pass.

PETERSON,  
Chairman.

Senator Thompson of Marion, from the Committee on Cities, presented the following report on Senate Bill No. 146:

MR. PRESIDENT:

Your Committee on Cities and Towns, to whom was referred Senate Bill No. 146, have had the same under consideration, and report the following amendment, by adding after the word "appointed," in line 17, page 4, the following, viz.: "and the members thereof shall receive no compensation, other than their salaries, and Councilmen or members of the Board of Trustees of said town," and recommend that the bill as amended do pass.

Senator Dresser called up concurrent resolution in reference to Tippecanoe Battle Ground fence.

Which was read, and on motion of Senator Dresser it was adopted.

Senator Griffith offered Senate Resolution No. 58, as follows:

WHEREAS, The new State House and the three additional Hospitals for the Insane are rapidly approaching completion, and large appropriations are asked for the purpose of completing and furnishing the same; and,

WHEREAS, It is important that such buildings be completed according to the respective contracts entered into for the building of the same, and that the possibility of all claims for extras be carefully avoided; and,

WHEREAS, Appropriations are asked for repairs and additional buildings at the Prison South, Reform School, Deaf and Dumb Asylum, and at the Hospital for the Insane at Indianapolis; therefore, be it



*Resolved*, That the Committee on Public Buildings be, and they are hereby, directed to make such investigation into the contracts entered into for the erection of said buildings, and to report the amount necessary to complete said buildings, and to state whether or not the contracts for the erection of the same have been faithfully followed, what sums have already been paid out on estimates, what sums will be necessary for furnishing and equipping the same, and when said buildings will probably be ready for occupancy, and that to enable said committee to properly perform said duties, said committee are hereby authorized to send for persons and papers, and to employ a clerk for such length of time as his services shall be necessary.

GRIFFITH.

The resolution was adopted.

Senator Campbell called up his motion made yesterday, to reconsider Senate Concurrent Resolution No. 1.

The question being on the motion of Senator Campbell to reconsider Senate Concurrent Resolution No. 1,

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Ensley, French, Harness, Huston, Johnson, Kennedy, McClure, McDonald, Rahm, Schloss, Trippet, Winter, Weir. Total, 18.

Those voting in the negative were:

Senators Andrew, Bailey, Berry, Branaman, Bryant, Cox, Day, Duncan of Tipton, Duncan of Brown, Fowler, Griffith, Hale, Howard of St. Joseph, Logsdon, Macy, Marshall, Moon, Mullinix, Peterson, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Urmston, Zimmerman, and Mr. President. Total, 27.

So the motion was lost.

The President of the Senate appointed Senators Dresser and Branaman a special committee to visit Tippecanoe Battle Ground to examine the fence, etc., and report to the Senate.

Senator Logsdon offered the following resolution :

*Resolved by the Senate, the House of Representatives concurring,*  
That our Senators and Representatives in Congress be, and they are hereby, requested to use their influence to secure an amendment to the Constitution of the United States providing for the election of Senators in Congress by popular vote of the people. The Governor of the State is hereby directed to forward copies of this resolution to each of our Senators and Representatives in Congress.

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Campbell, Cox, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, French, Griffith, Hale, Harness, Howard of St. Joseph, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Urmston, Winter, Weir, Zimmerman. Total, 43.

Those voting in the negative were :

Senators Day, Huston, Trippet, Mr. President. Total, 4.

So the resolution was adopted.

Senator Fowler, from Committee on Enrolled Bills, reported as follows :

**MR. PRESIDENT :**

Your Committee on Enrolled Bills would report that they have compared Enrolled Senate Bill No. 72 with Engrossed Senate Act No. 72 and find the same correctly enrolled.

Senator Sellers called up Senate Resolution No. 50, and moved that the report of the committee be concurred in and the resolution adopted.

Senator Davis moved that Senator Sellers' motion on Senate Resolution No. 50 be amended by referring said resolution to the Committee on Finance.

The motion carried.

The special order set for 10 o'clock to-morrow was made a special order for 10 o'clock next Thursday morning.

It was so ordered by the President of the Senate.

The following message was received from the House :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed a concurrent resolution providing for the appointment of a joint committee of the two Houses to examine into the propriety of purchasing a residence for the Governor, and the same is herewith transmitted.

W. H. SMITH,  
Clerk.

The following is the concurrent resolution referred to above :

WHEREAS, The Constitution of the State requires that the Governor of the State shall reside at the Capital, and in order that unreasonable burden may not be imposed upon the person elected to the office of Governor in renting and furnishing a residence for the term of his office, it is desirable that the State should own and maintain a suitable residence property for the occupancy of the Governor; and,

WHEREAS, It is represented that residence property in every way suitable for that purpose and centrally located, can now be purchased at a price little if any more than half the cost of construction ;

*Wherefore, be it resolved by the House of Representatives, the Senate concurring, That a joint committee, consisting of six members of the House, to be appointed by the Speaker, and three Senators, to be appointed by the President of the Senate, to receive propositions for the sale to the State of property centrally located and in every way suitable for a Governor's mansion, to examine the property offered and report the propositions received, with their recommendation thereon, by bill or otherwise.*

Senator McDonald offered Senate Resolution No. 59, as follows :

*Resolved, That Senators Rahm, Dresser, Mullinix and Drake be appointed a special committee to visit Knightstown to fully*

investigate the situation and location of the Soldiers' Orphans' Home and matters connected therewith, and that said committee make a report not later than 2 o'clock on Thursday, January 27, 1887.

Senator McDonald moved that the resolution be adopted.

Senator Sellers moved as a substitute that the communication of B. L. Smith, President of the Board of Directors of the Soldiers' Orphans' Home, directed to Senator Weir, be printed to the number of 200 copies.

The substitute was accepted by Senator McDonald.

The motion carried.

On motion of Senator Drake, the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

## WEDNESDAY MORNING.

JANUARY 26, 1887.

The Senate met in regular session, at 10 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by the Rev. Oscar McCulloch, of Plymouth Church, Indianapolis.

The reading of the Journal was being proceeded with when Senator Schloss moved that its further reading be dispensed with.

The President of the Senate directed that the part of the Journal relating to the joint-convention of yesterday be read, which was done, and that part of the Journal was approved.

The question recurring on Senator Schloss's motion to dispense with the further reading of the Journal,

The motion carried.

Senator Weir, from the Committee on Claims, made the following report:

MR. PRESIDENT:

Your committee, to whom was referred the following bills, viz.:

Daniel Stewart .....	\$1 85
Kipp Brothers.....	25 25
Albert Gall.....	7 00
Hollweg & Reese.....	10 25
Charles Mayer & Co .....	4 30
Total.....	<hr/> \$48 65

Have examined the same, and find amount correct and due the several parties, and recommend their payment, and submit the accompanying resolution:

*Be it resolved by the Senate, the House concurring therein, That the said bills (the same having been purchased by order of and for the use of the Senate) be paid out of the fund appropriated by the bill passed to pay the expenses of the session of the Legislature.*

WEIR,  
Chairman.

Adopted.

Senator McClure made the following report:

MR. PRESIDENT:

Your committee to whom was referred Senate Bill No. 42, introduced by Senator Huston, have had the same under consideration, and direct me to report the same back to the Senate with a recommendation that it be referred to the Committee on Agriculture.

McCLURE,  
Chairman Committee on Federal Relations.

The bill was referred to the Committee on Agriculture.

Senator Berry, from the Committee on Agriculture, presented the following report on Senate Bill No. 73:

MR. PRESIDENT:

Your Committee on Agriculture, to whom was referred Senate Bill No. 73, have had the same under consideration, and recommend that the same do pass.

Senator Berry, from the Committee on Agriculture, made the following report :

**MR. PRESIDENT :**

Your committee to whom was referred Senate Bill No. 34 beg leave to report that they have had the same under consideration and recommend that the bill do pass.

W. W. BERRY,  
Chairman.

Senator Berry, from the Committee on Agriculture, made the following report on Senate Bill No. 11 :

**MR. PRESIDENT :**

Your committee to whom was referred Senate Bill No. 11 beg leave to report that they have had the same under consideration, and recommend that the same do pass.

W. W. BERRY,  
Chairman.

Senator Berry made the following report :

**MR. PRESIDENT :**

Your committee to whom was referred Senate Bill No. 78 have had the same under consideration and recommend that the bill be indefinitely postponed.

[Signed,]

W. W. BERRY,  
Chairman Committee on Agriculture.

Senator Shively, from the Committee on Public Health, presented the following report on Senate Bill No. 80 :

**MR. PRESIDENT :**

Your Committee on Public Health have had under consideration Senate Bill No. 80, and recommend that the same do pass.

Senator Shively, from the Committee on Public Health, made the following report on Senate Bill No. 89 :

**MR. PRESIDENT :**

Your committee to whom was referred Senate Bill No. 89 beg leave to report that they have had the same under consideration, and recommend that the bill be amended by striking

out after the word "investigation," in line 19, page 6, all of the remaining part of line 19 and line 20, and the bill as amended do pass.

JAS. S. SHIVELY,  
Chairman.

Senator Weir offered the following resolution:

*Resolved*, That it is the sense of the Senate that the law governing the publication of the Supreme Court Reports should be so amended that the Reporter should be paid a salary, with such additional assistants as may be actually needed, and that the price of the Reports heretofore published to be fixed at two dollars per volume, the copyright to be vested in the State; that a select committee of five Senators be appointed to prepare a bill in harmony with this resolution.

The resolution was adopted.

Senator French called up Engrossed House Bill No. 166.

He moved that the constitutional rule be suspended, that the bill be read a second time by title, that the report of the committee be concurred in, and read a third time by sections, and put upon its passage.

The ayes and noes were ordered and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Barrett, Berry, Brauaman, Bryant, Campbell, Cox, Davis, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, French, Griffith, Hale, Harness, Howard of Decatur, Howard of St. Joseph, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Schloss, Shroyer, Sears, Shively, Smith of Wells, Thompson of Jasper, Tharp, Trippet, Urmston, Weir, Zimmerman, and Mr. President. Total, 45.

Those voting in the negative, none.

So the constitutional rule was suspended.

Engrossed House Bill No. 166 was read a second time by title, a third time by sections, and put upon its passage.

The ayes and noes were ordered and taken, and resulted as follows :

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Campbell, Cox, Davis, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, French, Griffith, Hale, Harness, Howard of Decatur, Howard of St. Joseph, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Tharp, Trippet, Urmston, Weir, Zimmerman, Mr. President.

The one voting in the negative was:

Senator Winter.

So the bill passed.

The title as read was adopted as the title of the bill.

Senator Griffith called up Engrossed House Bill No. 105, and moved to suspend the constitutional rule, that the bill be read a second time by title, and that the bill be read a third time by sections and put upon its passage.

The ayes and noes were ordered and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Campbell, Cox, Day, DeMotte, Duncan of Brown, Fowler, Griffith, Hale, Harness, Howard of St. Joseph, Johnson, Logsdon, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Tharp, Urmston, Weir, Zimmerman, and Mr. President. Total, 85.

Those voting in the negative were :

Senators Davis, Drake, Dresser, Duncan of Tipton, Ensley, Huston, Kennedy, Macy, Smith of Wells, Thompson of Jasper, Trippet, Winter. Total, 12.

So the constitutional rule was suspended.



Engrossed House Bill No. 105 was read a first time, and a second time by title, and a third time by sections, and put upon its passage.

The ayes and noes were ordered and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Branaman, Bryant, Day, DeMotte, Duncan of Brown, Fowler, French, Griffith, Hale, Harness, Howard of St. Joseph, Johnson, Logsdon, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Tharp, Trippet, Urmston, Weir, Zimmerman, Mr. President. Total, 34.

Those voting in the negative were :

Senators Berry, Campbell, Cox, Davis, Duncan of Tipton, Ensley, Huston, Kennedy, Macy, Smith of Wells, Thompson of Jasper, Winter. Total, 12.

So the bill passed.

The title as read was adopted as the title of the bill.

Senator Davis called up Engrossed House Bill No. 191, and moved that the constitutional rule be suspended and that the bill be read a second time by title and read a third time by sections and put upon its passage.

The ayes and noes were ordered and taken and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Bryant, Campbell, Davis, Day, DeMotte, Drake, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, French, Hale, Harness, Howard of Decatur, Howard of St. Joseph, Johnson, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Tharp, Trippet, Urmston, Weir, and Mr. President. Total, 41.

Voting in the negative was Senator Kennedy. Total, 1.

So the constitutional rule was suspended.

Engrossed House Bill No. 191 was read a second time by title, a third time by sections and put upon its passage.

The ayes and noes were ordered and taken and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Campbell, Cox, Davis, Day, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Hale, Harness, Howard of Decatur, Howard of St. Joseph, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sellers, Shively, Smith of Wells, Thompson of Jasper, Tharp, Trippet, Weir, Zimmerman, and Mr. President. Total, 41.

Voting in the negative, none.

So the bill passed.

The title as read was adopted as the title of the bill.

Senator Bailey introduced Senate Bill No. 168, entitled a bill for an act defining the Nineteenth and Twenty-second Judicial Circuits, fixing the time of holding courts in said circuits and matters relating thereto, repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

Which was read a first time and referred to the Committee on Organization of Courts.

The regular order being the third reading of bills, Senate Bill No. 53 was read a third time and put upon its passage.

The ayes and noes were ordered and taken and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Campbell, Cox, Davis, Day, DeMotte, Drake, Dresser, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Johnson, Logsdon, Macy, Marshall, McClure, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sellers, Shively, Smith of Wells, Thompson of Jasper, Tharp, Trippet, Urmston, Weir, Zimmerman, Mr. President. Total, 40.

Those voting in the negative were :

Senators Duncan of Tipton, Ensley, Harness, Huston, Kennedy, Moon, Winter. Total, 6.

So the bill passed.

The title as read was adopted as the title of the bill.

Senator Bailey, from the Committee on Labor and Labor Statistics, made the following report on Senate Bill No. 1 :

MR. PRESIDENT :

Your Committee on Labor and Labor Statistics, having under consideration Senate Bill No. 1, respectfully report that they have the same under consideration, and recommend the following amendments :

On page 1, Section 1, line 14, after the word "mechanical" insert the word "stationary," and in the same section, line 15, strike out the words "manufacturers of engines and steam machinery" and insert in lieu thereof the words "mechanical and theoretical boiler makers."

On page 2, beginning with line 17, strike out all of said line and the words following down to and including the word "engineer" in line 24, and insert in lieu thereof the words following, "however, said Board shall meet for such purpose at least once every year, at the most convenient and central point, in each of the several Congressional Districts of this State. Such several points of meeting shall be fixed by said Board and published, together with the rules and regulations which they may adopt enabling them to carry out the provisions of this act."

On page 3, Section 4, line 9, beginning with the words "where boilers," strike out the remainder of said section.

On page 5, section 8, beginning on line 3 with the word "whether," strike out all following up to and including the word "sets" in line 4, and insert in lieu thereof the following words: "Except in cases where there are more than one boiler, the inspection fee shall be three dollars for each boiler after the first, if such additional boiler or boilers be inspected at the same time." On page six, strike out section thirteen, and insert in lieu thereof the following :

Sec. 13. Every application for examination of stationary engineer's license shall be accompanied by the sum of five dollars, and upon passing a successful examination the applicant shall receive a license for two years; the sum of five dollars to be retained by the examining board whether the applicant be successful or not, and for each renewal of said license not more than two dollars and fifty cents shall be charged. Said fees shall go in equal parts to the members of the board of engineers, except the Boiler Inspector who shall receive no portion thereof. Said members of the board of engineers shall receive no salary from the State, and be entitled to no compensation other than in this section specified. They shall each give bond in like manner as the Boiler Inspector, with the same conditions, in the penal sum of three thousand dollars, said bond to be approved by the Governor.

On page 7, Section 15, in line 2, after the words "charge of same," strike out all following up to and including the word "classes," the same being the first word in line 5, same section.

In line 5 of the same section, after the word "city," insert the words "or town." Also, in line 7 of said section strike out the word "twenty," and insert in lieu thereof the word "eight."

And your committee recommends that when so amended that the same be passed.

The regular order being the first reading of House bills.

House Bill No. 32 was read a first time.

Senator Tharp moved that the constitutional rule be suspended, the bill read a second time by title, and a third time by sections, and put upon its passage.

The ayes and noes being ordered and taken, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Campbell, Day, DeMotte, Drake, Dresser, Duncan of Brown, Ensley, Fowler, French, Griffith, Hale, Harness, Howard of Decatur, Howard of St. Joseph, Johnson, Kennedy, Logsdon, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells,

Thompson of Jasper, Thompson of Marion, Tharp, Trippet, Urmston, Winter, Weir, Zimmerman, Mr. President. Total, 43.

No one voting in the negative.

So the constitutional rule was suspended.

Engrossed House Bill No. 32 was read a second time by title, and a third time by sections, and put upon its passage.

The ayes and noes were ordered and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Campbell, Cox, Davis, Day, Drake, Dresser, Duncan of Brown, Ensley, Fowler, French, Griffith, Hale, Harness, Howard of Decatur, Howard of St. Joseph, Johnson, Kennedy, Logsdon, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Winter, Weir, Zimmerman, Mr. President. Total, 44.

Those voting in the negative, none.

So the bill passed.

The title as read was adopted as the title of the bill.

House Bill No. 143 was read a first time and referred to the Committee on Judiciary.

The following message was received from the House :

MR. PRESIDENT :

I am instructed by the House to inform the Senate that the House has passed Engrossed Senate Bill No. 52, a bill to legalize the acts of the Board of Trustees of the town of Huntington, and the same is herewith returned to the Senate.

W. H. SMITH.

On motion of Senator Sellers, Senate Bill No. 37 was taken up and referred to the Committee on Judiciary.

A roll of the Senate was called preparatory to the Senate repairing to the hall of the House of Representatives to meet the House in joint convention at 12 o'clock noon. All the Senators were found to be present, and they repaired to the hall of the House of Representatives at 12 o'clock noon.

The Senate and House of Representatives met in joint convention in the hall of the House of Representatives pursuant to adjournment at 12 o'clock noon, January 26, 1887, for the purpose of electing a United States Senator to the Congress of the United States for the State of Indiana for the term of six years, commencing March 4, 1887.

Hon. A. G. Smith, President of the Senate, called the joint convention to order, and ordered the Secretary to call the roll of the Senate, which being done showed that all the Senators were present.

The Speaker of the House ordered the Clerk to call the roll of the House, which being done showed that all Representatives were present, except Mr. Dickerson of Vigo, who is paired with Mr. Connely on all political questions, on account of sickness in the family of Mr. Dickerson.

On motion of Senator Sellers the reading of the Journal of the joint convention of yesterday was dispensed with.

Hon. A. G. Smith, President of the Senate, ordered the Secretary to call the roll of the Senate on the tenth ballot for United States Senator, which being done, resulted as follows:

Those voting for Hon. David Turpie were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Jennings, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir and Zimmerman. Total, 32.

Those voting for Hon. Benjamin Harrison were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears, Thompson of Jasper and Winter. Total, 18.

Those voting for Hon. Jason H. Allen were :

None.

The Speaker of the House ordered the Clerk to call the roll of the House on the tenth ballot for United States Senator, which being done, resulted as follows :

Those voting for Hon. David Turpie were :

Messrs. Askren, Barnes, Beasley, Bertram, Blinks, Buskirk, Clarke, Cox of Cass and Miami, Cox of Miami, Cruson, Cushman, Custer, Darroch, Foley, Foster, Galbraith, Garrison, Gordon, Harrell, Ibach, Jewett, Kellison, Major, Metzger, Mock, Montgomery of Owen, Niblack, Parker, Patten, Pierce, Pleasants, Roberts, Schley, Selvey, Shambaugh, Shields, Stull, Sunman, Weyand, White, Whitworth and Worrall. Total, 42.

Those voting for Hon. Benjamin Harrison were :

Messrs. Ackman, Alexander, Barnard, Briant, Brown, Buckles, Carrick, Catey, Caven, Commons, Conder, Conger, Covert, Davis, Dunn, Fleece, Friend, Gardiner, Gough, Green, Griffiths, Grose, Groves, Harley, Hobson, Howard, Kelley of Boone, Kelly of Lagrange, Kercheval, Klein, Leighty, Linck, Little, Loop, McCallum, McCray, McMath, Miller, Morse, Montgomery of Gibson, Nolin, Osborn, Oursler, Pleak, Reynolds, Scott, Sinclair, Stubblefield, Thompson, Trout, Van Slyke and Mr. Speaker. Total, 52.

Those voting for Hon. Jason H. Allen were :

Messrs. Cates, Glover, Mackey and Robinson. Total, 4.

The Hon. A. G. Smith announced the total vote of the joint convention as follows :

Hon. David Turpie.....	74 votes.
Hon. Benjamin Harrison.....	70 "
Hon. Jason H. Allen .....	4 "
Necessary to a choice.....	75 "

No one having received a majority of all the votes cast, there was no election, and that the convention would proceed to another ballot.

Whereupon, Mr. Griffiths moved that the joint convention adjourn.

Motion carried and convention adjourned.

The Senate returned to the Senate Chamber at 12:15 o'clock P. M.

Senator Barrett moved that the consideration of Senate Bill No. 2 be made a special order for 2 o'clock this evening.

Motion carried.

Senator Weir moved that when the Senate adjourn it adjourn to 2½ o'clock P. M.

Motion carried.

On motion of Senator Marshall, the Senate adjourned.

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## AFTERNOON SESSION.

JANUARY 26, 1887.

The Senate met pursuant to adjournment at 2½ o'clock.

Hon. A. G. Smith, President of the Senate, in the chair.

The following message was received from the House :

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed Enrolled Senate Act No. 72, fixing the time of holding courts in the Fifth Judicial Circuit, and the same is herewith returned to the Senate.

W. H. SMITH,  
Clerk.

Senator Rahm, from the Committee on Benovolent Institutions, presented the following report on Senate Bill No. 108 :

MR. PRESIDENT :

We, the Committee on Benevolent Institutions, to whom was referred Senate Bill No. 108, introduced by Senator McDonald, of Allen and Whitley, beg leave to offer the following amendment, to-wit :



Section 1. Insert after the word State, in line 2, the words "at or near, the city of Ft. Wayne, Allen County, Indiana."

Also, strike out in section 4, all of line two (2) after the word "situation." Also, strike out all of lines three (3) and four (4) and the word "property" in line five (5), and insert in lieu thereof the following words: "Suitable land at, or near, the city of Ft. Wayne, in Allen County, Indiana, not to exceed 80 acres, at a cost not to exceed \$10,000." Also, strike out, in line sixteen (16), section 4, the word "three," and insert the word "forty." Also, strike out in same section, lines seventeen (17) and eighteen (18), the words "preparing and furnishing said premises," and insert the words "erecting suitable buildings thereon and in furnishing the same," and when so amended recommend that the bill do pass.

Senator Trippet offered the following resolution and moved its adoption :

*Resolved*, That Justin McCarthy, member of Parliament, the Irish statesman, orator and patriot, is hereby invited to visit the Senate, and the privileges of the floor of the Senate are hereby accorded him during his stay in Indianapolis.

Adopted.

The President of the Senate announced that he had appointed Senators Weir, Griffith, French, Dresser and Sears as a special committee to draft a bill on the office of the Reporter of the Supreme Court.

Senator Bryant offered the following resolution and moved its adoption :

WHEREAS, By reason of the large number of committees in group three, of this Senate, the Clerk of the said group is unable to keep a proper record of the minutes of said committees; therefore, be it

*Resolved*, That the Clerk of said group is hereby ordered and authorized to appoint an assistant to aid him to keep proper minutes of said committees.

Resolution was adopted.

Senator Drake offered the following resolution, and moved its adoption :

WHEREAS, On or about the first day of October, 1885, the Superintendent of the Indiana Hospital for the Insane notified the family of Mrs. Camelia E. Dallas, an insane inmate of said Hospital from the county of Lagrange, that the said insane person had escaped from the ward of said Hospital in which she was confined; and,

WHEREAS, No trace of the said Camelia E. Dallas has yet been discovered, so far as known to her family; therefore,

*Resolved*, That the Senate Committee on Benevolent Institutions be and the same is hereby directed to fully investigate said case and to report the facts therein, and what effort has been made to discover and return the said Camelia E. Dallas to said Hospital, and also, if necessary, to prepare and report a proper bill providing for the punishment of employes of public hospitals for gross negligence in the care of inmates, making the same a misdemeanor.

The resolution was adopted.

Senator Barrett presented the following memorial:

FORT WAYNE, IND., January 24, 1887.

At a special meeting of Anthony Wayne Post No. 271, Department of Indiana, G. A. R., held on the above date, the following preamble and resolutions were unanimously adopted:

Having a deep and abiding interest in, and a soldierly sympathy for the scarred and maimed veterans of the late war, for their widows and orphans, and for their personal comfort and future well being; therefore, be it

*Resolved*, That we, the members of Anthony Wayne Post No. 271, Department of Indiana, G. A. R., hail as a harbinger of better things for the disabled and destitute and the widows and orphans of our fallen comrades the announcement of the introduction of a bill in the Legislature, and amendments thereto, for the establishment of a Soldiers' and Sailors' Orphans' Home at Fort Wayne, Indiana, and that we will aid in every way in our power to secure the passage of said bill as amended.

*Resolved*, That we urge on our Senators and Representatives the necessity of such a measure, and that we hereby request them to use all honorable means in their power for the accomplishment of this end.

*Resolved*, That a copy of these resolutions be forwarded to each of said Senators and Representatives, and the adjutant is hereby instructed so to do.

J. W. HAYDEN,

Post Commander.

J. C. WOODWORTH,

Act. Adjutant.

Which was referred to the Committee on Benevolent Institutions.

The consideration of House Bill No. 14 and Senate Bill No. 2 being set for special order at 2 o'clock P. M., the hour having arrived, the same were taken up.

Senator Johnson moved consideration of House Bill No. 14 be postponed and made a special order for 2 o'clock P. M. next Monday.

Senator Trippet moved to amend the motion by postponing House Bill No. 14 until next Friday at 2 o'clock P. M.

Senator Johnson accepted the amendment.

The question recurring on the motion of Senator Johnson as amended by Senator Trippet was put and the motion carried.

Senator Sellers moved that the Senate adjourn.

The ayes and noes were demanded and taken and resulted as follows:

Those voting in the affirmative were:

Senators Campbell, Cox, DeMotte, Drake, Dresser, Ensley, French, Griffith, Huston, Kennedy, Logsdon, Macy, Rahm, Schloss, Sears, Sellers, Shively, Trippet, Winter. Total, 19.

Those voting in the negative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Day, Davis, Duncan of Tipton, Duncan of Brown, Fowler, Hale, Harness, Howard of St. Joseph, Johnson, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Smith of Wells, Thompson of Jasper, Tharp, Urmston, Zimmerman. Total, 25.

So the motion was lost.

The following message was received from the House:

**MR. PRESIDENT:**

I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled House Act No. 166, an act for the relief of Nathan P. Gilliat, and the same is herewith transmitted to the Senate for the signature of the President of the Senate.

W. H. SMITH,  
Clerk.

Senator Howard of St. Joseph called up Senate Bill No. 5, and it was read a second time.

Senator Howard of St. Joseph moved that the report of the committee be concurred in, and that the bill be engrossed.

Motion carried.

Senator Howard of St. Joseph moved that the constitutional rule be suspended.

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Branaman, Cox, Day, DeMotte, Duncan of Brown, Fowler, Griffith, Howard of St. Joseph, Logsdon, McClure, McDonald, Peterson, Rahm, Schloss, Sears, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmoston, Weir, Zimmerman, Mr. President. Total, 25.

Those voting in the negative were:

Senators Campbell, Drake, Dresser, Duncan of Tipton, Hale, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Mullinix, Shroyer, Sellers, Winter. Total, 15.

So the constitutional rule was not suspended.

Senator Fowler, from the Committee on Joint Enrolled Bills, made the following report:

**MR. PRESIDENT:**

Your Joint Committee on Enrolled Bills would report that they have delivered to the Governor for his consideration, Enrolled Senate Act No. 21 and Enrolled Senate Act No. 72.

I. H. FOWLER,  
Chairman.

The report was concurred in.

The following message was received from the House :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed a concurrent resolution instructing Senators and Representatives in Congress to vote for the creation of a Department for Agriculture, and the same is herewith transmitted.

W. H. SMITH,  
Clerk.

The following is the concurrent resolution received from the House :

*Resolved by the House of Representatives of the State of Indiana, the Senate concurring, That our Senators in Congress be instructed and our Representatives be requested to use their best endeavors to have created a new department in the executive branch of the General Government at Washington to be known as the Department of Agriculture, the chief of which shall be a cabinet officer.*

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed Enrolled House Act No. 191, an act to fix the time of holding court in the Fourth Judicial Circuit, and the same is herewith transmitted for the signature of the President of the Senate.

W. H. SMITH,  
Clerk.

Senate Bill No. 18 was taken up.

The report of the committee recommending a substitute was read.

The question being, Shall the report of the committee be adopted reporting a substitute bill ?

Senator Huston moved that the consideration of the report of the committee recommending a substitute bill for Senate Bill No. 18 be made a special order for 10 o'clock next Tuesday.

Motion carried.

Senator Fowler, from Committee on Engrossed Bills, made the following report:

**MR. PRESIDENT :**

Your Committee on Enrolled Bills would report that they have compared engrossed Senate Bill No. 52 with enrolled Senate Act No. 52, and find the same correctly enrolled.

I. H. FOWLER,  
Chairman.

Senate Bill No. 4 was taken up.

The report of the committee was concurred in.

Senate Bill No. 4 was read a second time by sections.

Senator Winter offered the following amendment to Senate Bill No. 4:

Amended by adding the following section:

Section 4. Nothing contained in this act shall affect any suit now pending in any court of this State or of the United States, but such suit shall proceed the same as if this act had not been passed.

Change the number of section 4 to No. 5.

Amendment adopted.

The bill was ordered engrossed as amended.

**MR. PRESIDENT :**

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed Enrolled Senate Act No. 52, legalizing the acts of the Board of Trustees of the town of Huntingburg, and the same is herewith returned to the Senate.

W. H. SMITH,  
Clerk.

Senate Bill No. 7 was taken up.

The report of the committee was read.

Senator Bailey moved that the report be concurred in, and demanded the ayes and noes.

Pending discussion on Senator Bailey's motion, Senator Sellers moved to adjourn.

Motion carried.

JOHN D. CARTER,  
Assistant Secretary of State Senate.

## THURSDAY MORNING.

JANUARY 27, 1887.

The Senate met in regular session at 10 o'clock.

Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by Rev. J. N. Canfield, of the Christian Church, Indianapolis.

Senator Weir moved that the reading of the Journal be dispensed with, except that part relating to the joint convention of yesterday, which was read.

The question recurring on Senator Weir's motion, the motion carried.

Senator Fowler presented the following report on enrolled bills:

MR. PRESIDENT:

Your Joint Committee on Enrolled Bills would report that they have delivered to the Governor for his consideration Senate Bill No. 52, House Bill No. 166 and House Bill No. 191, this January 27, 1887.

I. H. FOWLER,  
Chairman.

The following communication was received from the Governor:

STATE OF INDIANA,  
EXECUTIVE DEPARTMENT.

*Gentlemen of the Senate:*

In pursuance to the provisions of section 4544, R. S. 1881, I appointed on the 22d day of February, 1886, subject to the approval of the Senate, Murry Briggs, of Sullivan County, and Joseph Gilbert, of Vigo County, as Trustees of the Indiana State Normal School, each to serve as such for the term of four years from the 20th day of December, 1885, and I now submit said appointment to the Senate for its confirmation.

ISAAC P. GRAY,  
Governor.

On motion of Senator Fowler the communication was referred to Committee on Executive Appointments.

- The following communication was received from the Governor:

STATE OF INDIANA,  
EXECUTIVE DEPARTMENT.

*To the Honorable, the President of the Senate:*

By the direction of the Governor, I have the honor to inform the Senate that he has this day received and approved Senate Enrolled Acts Nos. 21 and 72, and has caused the same to be filed in the office of the Secretary of State.

PIERRE GRAY,  
Private Secretary.

Which was ordered spread of record on the Journal.

The Hon. J. W. Holcombe, Superintendent of Public Instruction, presented the following report:

#### STATEMENT FROM SUPERINTENDENT PUBLIC INSTRUCTION.

*The Honorable, the Senate of Indiana:*

In compliance with Senate Resolution No. 48, requesting the Superintendent of Public Instruction to report to the Senate the amount of revenue annually derived from the Common School and Congressional Township Funds, and also the proceeds of the sixteen-cent tax provided in Section 4465, R. S., since 1870, I have the honor to submit the following statement:

<i>Date of Apportionment.</i>	<i>State Tax.</i>	<i>Interest on Common School Fund.</i>	<i>Interest on Congressional Fund.</i>
October, 1869.....	\$98,704 93	\$147,904 24	*\$45,000 00
May, 1870.....	983,588 58	172,269 74	97,415 00
October, 1870....	78,819 16	142,623 82	48,026 36
May, 1871.....	931,854 58	187,769 77	*100,000 00
October, 1871....	119,583 99	147,954 82	*45,000 00
May, 1872.....	970,976 34	202,781 63	102,283 77
October, 1872....	99,325 35	155,107 02	43,145 07
May, 1873.....	1,082,557 94	215,721 70	98,988 12
January, 1874...	158,068 71	204,798 27	75,123 96

\* Estimated.



<i>Date of Apportionment.</i>	<i>State Tax.</i>	<i>Interest on Common School Fund.</i>	<i>Interest on Congressional Fund.</i>
May, 1874.....	855,394 71	203,030 72	78,085 86
January, 1875...	592,850 92	207,994 17	*75,000 00
May, 1875.....	910,012 73	219,317 38	97,222 30
January, 1876...	643,151 41	205,020 03	70,009 07
May, 1876.....	826,768 02	220,185 52	96,038 03
January, 1877...	595,010 55	207,788 77	84,576 77
May, 1877.....	838,732 72	225,063 12	93,979 48
January, 1878...	655,597 14	212,618 20	82,503 99
May, 1878.....	812,828 50	218,845 45	35,255 85
January, 1879...	644,005 25	224,766 49	94,670 36
May, 1879.....	840,776 71	230,923 52	110,585 11
January, 1880...	679,014 98	216,495 13	87,662 55
May, 1880.....	879,382 53	224,445 02	91,309 70
January, 1881...	626,708 97	226,752 11	93,952 60
May, 1881.....	815,577 50	228,689 75	102,252 01
January, 1882...	607,611 44	227,017 61	99,166 15
May, 1882.....	787,158 84	221,332 59	82,281 54
January, 1883...	587,124 32	240,056 04	107,883 97
May, 1883.....	798,873 77	229,068 36	88,517 91
January, 1884...	609,239 72	237,300 94	103,567 68
May, 1884.....	804,567 70	230,484 83	83,565 02
January, 1885...	605,430 83	244,830 79	106,348 46
May, 1885.....	811,452 83	232,010 48	95,689 40
January, 1886...	639,958 51	243,195 29	107,712 46
May, 1886.....	808,488 65	233,652 66	90,832 03
January, 1887...	634,687 90	243,195 29	*108,000 00
Total.....	\$23,333,886 78	\$7,431,009 22	\$3,021,650 58
Average semi-annual apportionment for 17 years.....	\$666,618 05	\$212,314 53	\$86,332 87

I have the honor to be, very respectfully,

J. W. HOLCOMBE,

*Superintendent Public Instruction.*

JANUARY, 26, 1887.

The President of the Senate ordered the report to lie on the table, and that two hundred copies of it be printed.

\* Estimated.

Under the head of unfinished business the report of the Committee on Labor and Labor Statistics on Senate Bill No. 7 was taken up, on a motion to concur in the report.

Senator Weir made the following motion :

I move to refer Senate Bill No. 7 back to the Committee on Labor and Labor Statistics, with instructions to report as a substitute a bill reducing the punishment under the provisions of Section 2127—as to fine not less than one dollar and as to imprisonment not less than six months nor more than two years.

WEIR.

Senator Weir moved that the further consideration of the report of the committee on Senate Bill No. 7 be postponed and made a special order for next Tuesday at 2 o'clock p. m.

The motion carried.

The time having arrived for the special order, which is the consideration of Senate Bill No. 108 and Senate Bill No. 6, the same was taken up.

The bill was read a second time by sections.

Senator McDonald moved to adopt the report of the committee on Senate Bill No. 108.

Pending the discussion on the motion,

The President of the Senate ordered a roll-call of the Senate preparatory to repairing to the Hall of the House of Representatives to meet the House in Joint Convention. All of the Senators were found to be present, and repaired to the Hall of the House of Representatives at 12 o'clock noon.

The following message was received from the House:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed Enrolled House Act No. 132, fixing the time for holding court in the Twelfth Judicial Circuit.

Also, that he has signed Enrolled House Act No. 105, for the relief of Samuel Dickerson, and the same are herewith transmitted for the signature of the President of the Senate.

W. H. SMITH,  
Clerk.

The Senate and House of Representatives met in the hall of the House of Representatives, pursuant to adjournment, at 12 o'clock noon, January 27, 1887, for the purpose of electing a United States Senator to the Congress of the United States for the State of Indiana for the term of six years, commencing March 4, 1887.

Hon. A. G. Smith, President of the Senate, called the joint convention to order and instructed the Secretary to call the roll of the Senate, which being done all the Senators were found to be present.

The Speaker of the House instructed the Clerk to call the roll of the House, which being done, all the Representatives were found to be present except Mr. Dickerson and Mr. Connelly, who were paired on all political questions.

The pair was agreed upon on account of sickness in Mr. Dickerson's family.

On motion of Senator Sellers, the reading of the Journal of the joint convention of yesterday was dispensed with.

Hon. A. G. Smith, President of the Senate, instructed the Secretary to call the roll of the Senate on the eleventh ballot for United States Senator, which being done, resulted as follows:

Those voting for the Hon. David Turpie were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Jennings, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir and Zimmerman. Total, 32.

Those voting for the Hon. Benjamin Harrison were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears, Thompson of Jasper, and Winter. Total, 18.

Those voting for the Hon. Jason H. Allen were, none.

The Speaker of the House instructed the Clerk to call the roll of the House on the eleventh ballot for United States Senator, which being done, resulted as follows :

Those Representatives voting for the Hon. David Turpie were :

Messrs. Askren, Barnes, Beasley, Bertram, Blinks, Buskirk, Clarke, Cox of Cass and Miami, Cox of Miami, Cruson, Cushman, Custer, Darroch, Foley, Foster, Galbraith, Garrison, Gordon, Harrell, Ibach, Jewett, Kellison, Major, Metzger, Mock, Montgomery of Owen, Niblack, Parker, Patten, Pierce, Pleasants, Roberts, Schley, Selvey, Shambaugh, Shields, Stull, Sunman, Weyand, White, Whitworth and Worrall. Total, 42.

Those Representatives voting for the Hon. Benjamin Harrison were :

Messrs. Ackman, Alexander, Barnard, Briant, Brown, Buckles, Carrick, Catey, Caven, Commons, Conder, Conger, Covert, Davis, Dunn, Fleece, Friend, Gardiner, Gough, Green, Griffiths, Grose, Groves, Harley, Hobson, Howard, Kelley of Boone, Kelly of Lagrange, Kercheval, Klein, Leighty, Linck, Little, Loop, McCallum, McCray, McMath, Miller, Morse, Montgomery of Gibson, Nolin, Osborn, Oursler, Pleak, Reynolds, Scott, Sinclair, Stubblefield, Thompson, Trout, Van Slyke and Mr. Speaker. Total, 52.

Those Representatives voting for the Hon. Jason H. Allen were :

Messrs. Cates, Glover, Mackey and Robinson. Total, 4.

Hon. A. G. Smith, President of the Senate, announced the vote of the Joint Convention as follows :

Hon. David Turpie.....	74 votes.
Hon. Benjamin Harrison.....	70 votes.
Hon. Jason H. Allen .....	4 votes.
Necessary to a choice.....	75 votes.

No one having received a majority of all the votes cast there was no election, and that it was in order to proceed to another ballot.

On motion of Mr. Stubblefield the Joint Convention adjourned.

The Senate returned to the Senate chamber at 12:15 o'clock P. M.

On motion of Senator Weir the Senate adjourned.

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### AFTERNOON SESSION.

JANUARY 27, 1887.

The Senate met, pursuant to adjournment, at 2 o'clock.

Hon. A. G. Smith, President of the Senate, in the chair.

Senator Bailey presented the following communication:

MR. PRESIDENT:

According to the terms of the resolution passed by this Senate on yesterday, the Clerk of Group Three, Senate Committees, would respectfully report that he has appointed Miss Mary A. Diffley as Assistant Clerk of said group.

JOSEPH D. YOURT,

Clerk of Third Group of Committees.

The communication was ordered spread of record on the journal.

The hour of 2 o'clock P. M. having arrived, the special order, Senate Bill No. 108, was taken up, and the discussion resumed.

Senator Harness offered the following amendment to the amendment embodied in the report of the Committee on Benevolent Institutions:

MR. PRESIDENT:

I move to amend the amendment of the Committee on Benevolent Institutions as follows: Strike out the words: "At or near the city of Fort Wayne, Allen County, Indiana," and insert the words: "At or near the city of Kokomo, Howard County, Indiana."

Also, strike out of said amendment the following words, "suitable land at or near the city of Fort Wayne, in Allen County, Indiana, not to exceed eighty acres, at a cost not to exceed ten thousand dollars, and insert in lieu thereof the words, "at or near the city of Kokomo, Howard County, Indiana, on lands suitable for the construction of said home, to be donated for said home free of cost to the State by said county of Howard," and that in section 4, line 1, all the words after the word authorized be stricken out; that all of lines 2, 3 and 4 of said section to be stricken out; that the first three words in line 5 be stricken out; that all of line 6 be stricken out after the word authorized; that all of line 7 be stricken out; that the first eight words in line 8 be stricken out, and that the last four words in line 10 and all of lines 11, 12, 13 and 14, and the first word in line 15 be stricken out, and that the words "so purchased" be stricken from line 18.

The following communication accompanied the amendment to the amendment.

MR. PRESIDENT:

I am authorized to state to this Senate through a committee of the citizens of Howard County, Ind., appointed at a public meeting held for the purpose of taking some steps to secure the location in said county of the Home for the Feeble-Minded Children now at Knightstown, that Howard County will donate the necessary land for the location of said home, free of cost to the State; that she will also sink a natural gas well in the vicinity of said home at the expense of said county, and of sufficient capacity to afford all the light and heat necessary for said home.

The following messages were received from the Governor:

EXECUTIVE DEPARTMENT, }  
INDIANAPOLIS, January 27, 1887. }

*To the Honorable, the President of the Senate:*

By the direction of the Governor I have the honor to inform the Senate that he has this day received and approved Senate Enrolled Act No. 52, and has caused the same to be filed in the office of the Secretary of State.

PIERRE GRAY,  
Private Secretary.

EXECUTIVE DEPARTMENT,  
 INDIANAPOLIS, January 27, 1887. }

*Gentlemen of the Senate:*

It is my desire to call your attention to the controversy that has existed for many years between the States of Kentucky and Indiana in relation to the boundary line between the two States through what is known as "Green River Island," and which has been the subject of legislation to some extent by this State. A Commission was authorized (Acts 1875, regular session, page 8), to survey and locate the boundary line, with a like Commission appointed by the State of Kentucky, but that this act was repealed (Acts 1877, special session, page 23), and the Governor was authorized to enter into negotiations and make an agreement with the Governor of the State of Kentucky for a cession of Green River Island, or to establish the line between the States, provided the assent of Congress was obtained. Any cession was to be ratified by the Legislature of each State at its next regular session.

There was an amendment to the latter act (Acts 1881, page 525), authorizing the Governor, in case no cession or agreement for establishing the boundary line could be effected, to institute proceedings in chancery in the United States Supreme Court for the purpose of determining the boundary line, but no proceedings were instituted under such amendment because the appropriation was deemed insufficient to pay the necessary costs of the suit. It is generally conceded that the proceedings had under the act of 1875 were void, being in contravention of the Constitution of the United States prohibiting States from fixing their boundary lines without the consent of Congress. The courts of both States have exercised jurisdiction over a large portion of the territory embraced within the controversy. Frequent contentions have arisen between the land owners, and, in some instances, with imminent danger of bloodshed.

Those owning and occupying land and who hold deeds made and recorded within this State, and claiming to be citizens of Indiana, are appealing to the State to take some action to determine the boundary line, in order that they may know under which jurisdiction their person and property is liable. If the boundary line remains undetermined, a serious question of jurisdiction might arise between the States. The matter is submitted for your consideration.

ISAAC P. GRAY,  
 Governor.

The question recurring on the motion to adopt the amendment to the amendment of Senate Bill No. 108.

The question was put and the motion was lost.

The question being on the motion to adopt the amendment to Senate Bill No. 108.

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Campbell, Cox, Davis, Day, DeMotte, Drake, Dresser, Ensley, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman, Mr. President. Total, 43.

Those voting in the negative were:

Senators Duncan of Tipton, Harness, Huston, Johnson, Thompson of Jasper, Winter. Total, 6.

The motion carried and the bill was amended.

Senator French, from the special committee on bill files, reported that bill files could be bought for \$1.50 each.

The following agreement was entered into by Senator Weir and Senator Davis:

We, Morgan H. Weir, Senator from Laporte County, and William J. Davis, Senator from Elkhart County, hereby agree to pair upon all political questions, especially upon the vote in joint convention for United States Senator, until both return, and until that time the name of neither shall be called in joint convention nor recorded as being present.

M. H. WEIR,

W. J. DAVIS.

Which was ordered spread of record on the Journal.

Senator Weir was granted a leave of absence until next Tuesday.

On motion of Senator Sellers the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.



## FRIDAY MORNING.

JANUARY 28, 1887.

The Senate met in regular session at 10 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by the Rev. R. E. Neighbors, of the Baptist Church, Indianapolis.

Senator Schloss moved that the further reading of the Journal be dispensed with except that part which related to the joint convention of yesterday—which was read and approved as read.

The question being on the motion of Senator Schloss, to dispense with the further reading of the Journal,

The motion carried.

The following agreement was entered into by Philip Schloss, Senator from Vigo County, and A. M. Kennedy, Senator from Rush and Hancock counties :

Philip Schloss, Senator from Vigo County, and A. M. Kennedy, Senator from Rush and Hancock counties, hereby agree to pair on all political questions, especially upon the vote in joint convention for United States Senator, until both return, and until that time the name of neither shall be called in joint convention, nor recorded as being present.

PHILIP SCHLOSS,  
A. M. KENNEDY.

Ordered to be spread of record on the Journal.

The following agreement was entered into between Senators Rahm and Moon.

INDIANAPOLIS, January 28, 1887.

William Rahm, Jr., Senator from Vanderburgh County, and George Moon, Senator from Kosciusko and Wabash counties,

hereby agree to pair on all political questions, especially upon the vote in joint convention for United States Senator, until both return, and until that time the name of neither shall be called in joint convention, nor recorded as being present.

WM. RAHM, JR.

GEO. MOON.

Ordered spread of record.

Senator Tharp offered Senate Resolution No. 44, as follows :

*Resolved*, That the Doorkeeper be authorized and is hereby instructed to procure a water-cooler and keep a supply of ice water in same for use of Senators and officers of the Senate.

Adopted.

Leave of absence was granted Senators Schloss, Kennedy, Moon and Rahm until 10 o'clock next Monday morning.

Senator Hale introduced a memorial, which was referred to the Committee on Education.

Senator Thompson of Jasper presented the following memorial from the Wool Growers' Association:

While as wool growers we rejoice in the exemption of our industry from contagious diseases that so severely and seriously affect other departments of stock raising, yet in sympathy with them we unite in the following recommendation :

*Resolved*, That we heartily favor the passage of the bill now pending in our Legislature providing for the establishment of a Sanitary Live Stock Commission.

THOMAS NELSON,

INDIANAPOLIS, IND., January 26, 1887.

President.

Referred to the Committee on Agriculture.

Senator Dresser offered a memorial, which was referred to the Committee on Military Affairs without reading.

Senator Campbell offered the following communication from  
Greencastle Post No. 11, Department of Indiana, G. A. R.:

HEADQUARTERS GREENCASTLE POST No. 11, }  
DEPARTMENT OF INDIANA, G. A. R., }  
GREENCASTLE, IND., January 25, 1887. }

*To the Hon. L. M. Campbell, Senator of Hendricks and Putnam  
Counties, Indianapolis, Indiana:*

DEAR SIR—The following action was had by this Post at its  
regular meeting held on the 17th inst., viz.:

We believe that the "Indiana Soldiers' and Sailors' Orphans' Home," located at Knightstown, Indiana, was originally intended and built for the maintenance and protection of soldiers' and sailors' orphans, and we believe the original intent was right and just. We believe the placing therein of imbecile and idiotic children was not in accord with public sentiment and unjust, and while we believe the weak-minded and idiotic children are properly the wards of the State, justice demands that they should not be the companions of the soldiers' orphans, but should have separate maintenance. We therefore respectfully ask you, as our representative in the Senate of Indiana, to use your influence and vote for the passage of an act now pending entitled an act to establish and maintain the Indiana Soldiers' Orphans' Home, and to repeal certain statutes relating thereto.

The above is the deliberate expression of the Post, which now has a membership of more than one hundred and fifty.

With kind regards, etc., I am,

Yours truly,

JAMES F. FREE,  
Adjutant.

Referred to Committee on Benevolent Institutions.

#### JOINT RESOLUTIONS

Memorializing the Senate and House of Representatives in Congress assembled, favoring the passage of a bill entitled, "A bill to promote the political progress and commercial prosperity of the American nations," which was unanimously approved by the Senate, June 17, 1886, and is now pending in the House of Representatives.

WHEREAS, During the last two decades of years there has been an increasing desire among nations to settle their differences by arbitration instead of by an appeal to the sword; and,

WHEREAS, A generous reciprocity, mutual confidence and peaceful intercourse are essential to the prosperity and security of all commercial interests;

*Resolved*, That we approve the bill which was passed by the United States Senate, June 17, 1886, authorizing the President to invite, on behalf of the Government and people of the United States, delegates from the several American Governments, to assemble in Washington to formulate measures of diplomacy to reach these ends, and embracing all questions of mutual interest looking to the common welfare of American States, and to make adequate appropriations therefor.

*Resolved*, That we approve the action already taken by the Senate, and desire the concurrence of the House of Representatives, and to that end we invoke the concurrence and support of our Senators and Representatives in Congress.

*Resolved*, That we direct that a copy of these resolutions, be duly certified by the proper officers of the Senate and House of Representatives and transmitted by Governor Gray to the Senate and House of Representatives in Washington.

Referred to Committee on Federal Relations.

Senator Campbell presented a memorial from the Society of Friends on temperance, which was referred to the Committee on Temperance without reading.

Senator French introduced Senate Resolution No. 65, as follows:

*Resolved by the Senate*, That members of this body shall not pair or be granted leave of absence except in case of sickness or positive necessity.

INDIANAPOLIS, January 27, 1887.

The following agreement was entered into between Liberty P. Mullinix, Senator from Green and Sullivan Counties, and R. B. Sears, Senator from the Counties of Parke and Vermillion:

We, Liberty T. Mullinix, Senator from Green and Sullivan Counties, and R. B. Sears, Senator from the Counties of Parke

and Vermillion, hereby agree to pair upon all political questions, especially upon the vote in joint convention for United States Senator, until both return, and until that time the name of neither shall be called in joint convention, and until that time the name of neither shall be recorded as being present.

L. T. MULLINIX,

R. B. SEARS.

Ordered spread of record in the journal, and leave of absence granted.

Senator DeMotte offered the following substitute for Senate Resolution No. 65:

*Resolved by the Senate, the House of Representatives concurring,* That when the General Assembly adjourns this afternoon it adjourns until Monday morning, January 31, at 11 o'clock.

The following agreement on pairs was submitted by Senators Ensley and Sellers:

INDIANAPOLIS, January 28, 1887.

We, Nicholas Ensley, Senator from the counties of Dekalb and Noble, and Emery B. Sellers, Senator from White, Carroll and Pulaski, hereby agree to pair upon all political questions, especially upon the vote in joint convention for United States Senator, until both return, and until that time the name of neither shall be called in joint convention nor recorded as being present.

NICHOLAS ENSLEY,

EMERY B. SELLERS.

Ordered spread of record on the journal and leave of absence granted until 10 o'clock A. M. next Monday.

The question being on the motion to adopt the substitute of Senate Resolution No. 5.

The ayes and noes were ordered and taken, resulting as follows:

Those voting in the affirmative were:

Senators Andrew, Campbell, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Shroyer, Sears, Sellers, Thompson of Jasper, Tharp, Urmston, Winter. Total, 21.

Those voting in the negative were :

Senators Bailey, Barrett, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Harness, Howard of St. Joseph, Logsdon, Johnson, Schloss, Shively, Smith of Wells, Thompson of Marion, Trippet, Zimmerman, Mr. President. Total, 21.

So the substitute, which was a concurrent resolution, was lost.

Senators Campbell and French were appointed as a special committee to confer with the House Committee upon Pairs and Adjournment.

Senator French reported that there could be no satisfactory arrangements made on adjournment with the committee from the House.

The following agreement was entered into by the following named Senators :

We, James M. Barrett, Senator from Allen, and James D. Drake, Senator from Lagrange and Steuben, hereby agree to pair upon all political questions, and especially upon the vote for Senator in Congress of the United States, till both shall return and be present in the joint convention to take such vote, and the name of neither is to be called or recorded as present during this pair.

JAMES M. BARRETT,  
J. S. DRAKE.

The following agreement was entered into between Senators Urmston and DeMotte :

We, the undersigned Senators, hereby pair on all political questions, and especially in joint convention for the election of a Senator, and it is hereby understood and agreed that the name of neither shall be called in joint convention or recorded as present until both return. This pair is to take effect after adjournment to-day.

STEPHEN E. URMSTON,  
From Franklin.  
MARK L. DEMOTTE,  
Porter and Lake.

Leave of absence granted.

Senator Johnson moved to reconsider the vote by which the substitute for Senate Resolution No. 65 was rejected.

The motion carried.

The President of the Senate announced that leave of absence was granted to Senators Schloss and Kennedy on their agreement to pair; also to Senators Weir and Davis on their agreement to pair; also to Senators Rahm and Moon on their agreement to pair; and that leave of absence was not granted at this time to any other pair.

The roll of the Senate was called preparatory to repairing to the Hall of the House of Representatives to meet the House in joint convention, which was done, and the Senate repaired to the Hall of the House of Representatives at 12 o'clock noon in a body.

The Senate and House of Representatives met in the Hall of the House of Representatives pursuant to adjournment at 12 noon, January 28, 1887, for the purpose of electing a United States Senator to the Congress of the United States for the State of Indiana for the term of six years, commencing March 4, 1887.

Hon. A. G. Smith, President of the Senate, called the joint convention to order and requested the Secretary to call the roll of the Senate, which being done, showed that all Senators were present except the following Senators who are paired on all political questions, and especially on the balloting in joint convention for United States Senator, to-wit: Senator Schloss who is paired with Senator Kennedy, Senator Weir who is paired with Senator Davis, and Senator Rahm who is paired with Senator Moon, neither one of whom are to be called until both parties to the pair are present.

The Speaker of the House announced that the pair heretofore existing between Mr. Dickerson and Mr. Connely was off, as both gentlemen were now present.

The Speaker of the House requested the Clerk to call the roll of the House, which being done, showed that all Representatives were present.

Mr. Jewett moved that the reading of the journal of the joint convention of yesterday be dispensed with.

Motion carried.

Hon. A. G. Smith, President of the Senate, ordered the Secretary to call the roll of the Senate on the twelfth ballot for United States Senator.

Which being done, resulted as follows :

Those voting for Hon. David Turpie were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Sellers, Shively, Smith of Jennings, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, and Zimmerman. Total, 29.

Those voting for Hon. Benjamin Harrison were :

Senators Campbell, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Macy, Marshall, Shroyer, Sears, Thompson of Jasper, and Winter. Total, 15.

Those voting for Hon. Jason H. Allen, none.

The Speaker of the House ordered the Clerk to call the roll of the House on the twelfth ballot for United States Senator.

Which being done, resulted as follows :

Those voting for Hon. David Turpie were :

Representatives Askren, Barnes, Beasley, Bertram, Blinks, Buskirk, Clarke, Connelly, Cox of Cass and Miami, Cox of Miami, Cruson, Cushman, Custer, Darroch, Foley, Foster, Galbraith, Garrison, Gordon, Harrell, Ibach, Jewett, Kellison, Major, Metzger, Mock, Montgomery of Owen, Niblack, Parker, Patten, Pierce, Pleasants, Roberts, Schley, Selvey, Shambaugh, Shields, Stull, Sunman, Worrall, Weyand, White and Whitworth. Total, 48.

Those voting for Hon. Benjamin Harrison were :

Messrs. Ackman, Alexander, Barnard, Briant, Brown, Buckles, Carrick, Catey, Caven, Commons, Conder, Conger, Covert, Davis, Dickerson, Dunn, Fleece, Friend, Gardiner, Gough,



Green, Griffiths, Grose, Groves, Harley, Hobson, Howard, Kelley of Boone, Kelly of Lagrange, Kercheval, Klein, Leighty, Linck, Little, Loop, McCallum, McCray, McMath, Miller, Montgomery of Gibson, Morse, Nolin, Osborn, Oursler, Pleak, Reynolds, Scott, Sinclair, Stubblefield, Thompson, Trout, Van Slyke and Mr. Speaker. Total, 53.

Those who voted for Hon. Jason H. Allen were :

Messrs. Cates, Glover, Mackey and Robinson. Total, 4.

Hon. A. G. Smith announced the total vote of the joint convention as follows :

Hon. David Turpie.....	72 votes.
Hon. Benjamin Harrison .....	68 "
Hon. Jason H. Allen.....	4 "
Necessary to a choice.....	73 "

No one having received a majority of all the votes cast, there was no election, and it was in order to proceed to another ballot.

Whereupon, Senator Johnson moved that the joint convention adjourn.

Motion carried and convention adjourned.

Senate returned to the Senate Chamber at 12:15 p. m.

Senator Bailey moved that when the Senate adjourn it adjourn until 2:30 p. m.

Motion carried.

On motion of Senator Bailey the Senate adjourned.

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## AFTERNOON SESSION.

JANUARY 28, 1887.

The Senate met pursuant to adjournment at 2:30 o'clock.

Hon. A. G. Smith, President of the Senate, in the chair.

The President of the Senate announced that the pair between Senators Sellers and Ensley would be recognized, and that they would be granted a leave of absence until next Monday, 10 o'clock a. m.

Senator Johnson moved that a leave of absence be granted to Senators Sellers and Ensley.

The motion carried.

Senator Sears was granted a leave of absence until Monday next at 10 o'clock A. M., and his pair with Senator Mullinix was to stand good until that time.

Senator Barrett was granted a leave of absence until Monday next at 10 o'clock A. M.

Senators Urmston and DeMotte were granted leave of absence until next Monday at 11 o'clock A. M., on their agreement to pair this morning.

Concurrent Resolution offered by Senator DeMotte as a substitute to Senate Resolution No. 65, was taken up as the order under the head of unfinished business.

Senator Sellers moved that Senator DeMotte be allowed to withdraw said Concurrent Resolution.

The motion carried.

Senate Bill No. 2 and House Bill No. 14 being the special order for this hour, 2 o'clock P. M., this day, they were taken up.

The report of the committee on Senate Bill No. 2 was read, and the Senate Bill No. 2 was read a second time.

House Bill No. 14 was read a second time, and the report of the committee on House Bill No. 14 was read.

Senator Urmston offered the following amendment to Senate Bill No. 2:

I move to amend the report of the committee by striking out the emergency clause and section 7.

S. E. URMSTON.

Motion carried.

The question being on the motion to adopt the report of the committee as amended,

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, DeMotte, Drake, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Johnson, Logsdon, Macy, Marshall, McClure, McDonald, Mullinix, Peterson, Shroyer, Sears, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Winter, Zimmerman, Mr. President. Total, 34.

Those voting in the negative were :

Senators Campbell, Davis, Day, Duncan of Tipton, Ensley, Huston, Shively, Thompson of Jasper. Total, 8.

So the report of the committee as amended was concurred in.

The bill was read by sections.

Section 1 was read.

Senator Zimmerman offered the following amendment to section 1, and moved its adoption :

MR. PRESIDENT:

I move to amend Senate Bill No. 2, Section 1, line 3, after the word "shall," the following : "In the absence of an expressed contract to the contrary."

The ayes and noes being demanded and taken, resulted as follows :

Those voting in the affirmative were :

Senators Campbell, Davis, Day, DeMotte, Drake, Dresser, Ensley, French, Hale, Peterson, Shroyer, Sears, Thompson of Jasper, Zimmerman. Total, 14.

Those voting in the negative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Duncan of Tipton, Duncan of Brown, Fowler, Griffith, Howard of Decatur, Howard of St. Joseph, Huston, Johnson, Logsdon, Macy, McClure, McDonald, Mullinix, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Winter, and Mr. President. Total, 26.

So the amendment was lost.

Senator Smith of Wells offered amendment No. 2 to Senate Bill No. 2:

MR. PRESIDENT:

I offer the following amendment to Senate Bill No. 2: After the word "State," in line 3, Section 1, add the words, "except those actually and solely engaged in farming."

J. H. C. SMITH.

Adopted.

Senator Urmston offered the following amendment to Senator Smith's amendment:

I move to amend section 1 by inserting after the word "State" in line three the words "except those engaged in agricultural pursuits."

S. E. URMSTON.

Senator Day moved that the Senate adjourn.

The ayes and noes were demanded and taken and resulted as follows:

Those voting in the affirmative were:

Senators Bryant, Davis, Day, Duncan of Tipton, Fowler, French, Hale, Huston, Moon, Shroyer, Zimmerman. Total, 11.

Those voting in the negative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Campbell, DeMotte, Drake, Dresser, Duncan of Brown, Ensley, Griffith, Harness, Howard of Decatur, Howard of St. Joseph, Johnson, Logsdon, Macy, Marshall, McClure, McDonald, Mullinix, Peterson, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Trippet, Urmston, Winter. Mr. President. Total, 32.

So the motion was lost.

Senator Howard of St. Joseph offered the following substitute for amendment No. 2, and the amendment to the amendment:

MR. PRESIDENT:

I move that Senate Bill No. 2 be amended as follows: In section one, line three, after the word "State," insert the fol-

lowing: "And having more than ten employes at the same time engaged in the same business."

The substitute was lost.

Senator Urmston withdrew his amendment to Senator Smith's amendment.

The question being on the motion to adopt Senator Smith's amendment.

The motion carried.

Senator Winter offered the following amendment to section 1, of Senate Bill No. 2: Amend section 1 by striking out of lines 4 and 5, the words "engaged in manual or mechanical labor," and also the word "such" in line 5, and by adding to the section the words "and any contract to the contrary shall be void."

Adopted.

Senator Bailey moved that section 1, of Senate Bill No. 2, be adopted as amended.

The motion carried.

Section 2 was read.

Senator Barrett moved that section 2 be adopted as read.

The motion carried.

Section 3 was read.

Senator Drake offered amendment No. 4 to Senate Bill No. 2.

MR. PRESIDENT:

I move that Senate Bill No. 2 be amended to read as follows: In line 8, section 3, after the word "taxes" insert the following words, "and mortgages made to secure purchase money."

Senator Winter offered an amendment to the amendment as follows:

By striking out of line 1 the words "manual or mechanical," and amend the amendment, section 3, by inserting in line 3 after the word "lien" the words, "except the lien by mortgage or otherwise of the seller of any property, real or personal, on such property for unpaid purchase money."

Senator Dresser offered the following substitute for the amendment and amendment to the amendment:

MR. PRESIDENT:

I move the following substitute: Strike out of line 7 "manual and mechanical," and out of section 3 the word "mortgages."

Rejected.

The question recurring on the motion to adopt the amendment to the amendment offered by Senator Winter.

The motion carried.

The question being on the motion to adopt Senator Drake's amendment as amended by Senator Winter's amendment.

The motion carried.

Senator Tharp offered the following amendment:

MR. PRESIDENT:

Amend section 3 by inserting after the word "taxes" in line 3 the following words, "and judgments for claims due for labor, as provided by this act."

Adopted.

Senator DeMotte offered the following amendment to section 3 of Senate Bill No. 2:

Add to section 3 the following: "*Provided*, That such employe shall have given notice of such lien in accordance with existing lien law, and shall commence his action to foreclose within six months after the performance of said labor.

Amendment lost.

Senator Bailey offered an amendment to the amendment of Senator DeMotte, as follows:

I move to strike out the words "six months" and insert in lieu thereof the words "one year" in the amendment proposed to Section 3 by Senator DeMotte.

Amendment lost.

Senator Bailey moved that Section 3 be adopted as amended.

The motion carried.

Section 4 was read.

Senator Winter offered the following amendment to Section 4 of Senate Bill No. 2:

I move to amend Section 4 by inserting in line 9, after the word "thereon," "except the lien, by mortgage or otherwise, of the seller of any property, real or personal, on such property for unpaid purchase money and the costs and expenses of administration of such property by judicial process," and by adding to said section, "and such claims for labor, whether or not in judgment or secured by mortgage, shall have no priority among themselves."

Amendment adopted.

Senator Barrett moved that Section 4 be adopted as amended.

Carried.

Section 5 was read, and adopted as read.

Section 6 was read and adopted as read.

Senator Bailey moved to engross S. B. No. 2, as amended:

The motion carried.

On motion of Senator French, the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

## SATURDAY MORNING.

JANUARY 9, 1887.

The Senate met in regular session at 10 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by the Rev. E. J. Gantz of the Christian Church of Indianapolis.

The reading of the journal was being proceeded with when Senator French moved its further reading be dispensed with except that part which related to the joint convention of yesterday.

Which was read and approved.

The question recurring on the motion of Senator French to dispense with the further reading of the journal.

The motion carried.

A roll-call of the Senate was ordered, and 38 Senators were found to be present.

The following agreement was entered into between Senators Thompson of Marion and Thompson of Jasper.

INDIANAPOLIS, January 29, 1887.

We, W. C. Thompson, Senator from the county of Marion, and Simon P. Thompson, Senator from the counties of Jasper, Newton and Benton, hereby agree to pair upon all political questions, especially upon the vote in joint convention for United States Senator, until both return, and until that time the name of neither shall be called in joint convention or recorded as being present.

SIMON P. THOMPSON,  
W. C. THOMPSON.

Ordered spread of record.

Senator Campbell moved that Senator Thompson of Jasper be granted a leave of absence until next Monday at 11 o'clock A. M.

Leave granted.

House bill No. 14 being taken up as unfinished business, under a special order set for yesterday, the report of the committee was read as follows:

MR. PRESIDENT:

Your Committee on Labor and Labor Statistics, to whom was referred House Bill No. 14, have had the same under consideration, and recommend the following amendment: On page 2, line 2, Section 1, after the words, "at least once" eliminate the words, "a week," and insert in lieu thereof the words, "every two weeks," and when the bill is so amended your committee recommends the same do pass.

LEON O. BAILEY,  
Chairman.

The report was concurred in.



Senator McDonald moved to adopt Section 1 of said bill.

Senator Johnson offered the following amendment (No. 1):

I move to amend House Bill No. 14 by striking out all after the enacting clause in the first section of the bill.

JOHNSON.

The following communication was received from the Governor:

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, January 29, 1887. }

*Gentlemen of the Senate:*

The State of Indiana has always asserted that she did not receive the amount of swamp land to which she was entitled by virtue of the acts of Congress of September, 28, 1850, March 2, 1855, and March 3, 1857, and several attempts have been made to produce before the Land Department at Washington, evidence showing that large quantities of swamp lands were due the State in addition to those shown by the field notes and on the plats and records of the surveys made by the General Government.

On the 15th day of November, 1883, the Attorney-General appointed the Hon. George W. Julian as counsel and agent for the State to prosecute before the Land Department the claims of the State for additional swamp-land indemnity. The course sought to be pursued by Mr. Julian was to show by testimony of living witnesses that large quantities of land were swamp lands within the meaning of said acts, but were not so designated by said field notes, or on said plats. There being no appropriation to pay the expenses of procuring such evidence, and it being ascertained that the cost and expense of obtaining such evidence would exceed the indemnity sought to be obtained, Mr. Julian abandoned such course. His appointment as Surveyor-General of New Mexico vacated his appointment as counsel and agent for the State.

Believing the State ought not cease making an effort to procure indemnity for lands sold by the Federal Government to which the State was entitled under the aforesaid acts of Congress, I appointed, on the 21st day of September, 1885, William A. Meloy, of Washington City, counsel and agent for the State,

to assert, prosecute and adjust, in and before the Land Department of the Government at Washington, the rights and claims of the State of Indiana to any and all lands and indemnity land claims arising under and by virtue of said acts of Congress, on the basis of the evidence furnished by the field notes and plats of survey remaining of record or on file in the office of the Land Department at Washington. A true copy of said appointment is as follows:

*Know ye*, That I, Isaac P. Gray, Governor of the State of Indiana, do hereby constitute and appoint William A. Meloy, Attorney at Law, Washington, D. C., counsel and agent for the State of Indiana, to assert, prosecute and adjust, in and before the Land Department of the government of the United States, the rights and claims of the State of Indiana, to any and all lands and indemnity land claims, arising under and by virtue of the Acts of Congress of September 28, 1850, March 2, 1855, and March 3, 1857, and all other Acts of Congress in relation to the granting of swamp and overflowed lands, belonging to certain States, and for the State I hereby consent that the adjustment of the rights of the State under the Acts of Congress aforesaid, may be made on the evidence furnished by the field notes and plats of survey remaining of record or on file in said Land Department, and such other evidence as the said Meloy may be able to present.

But the said William A. Meloy, is not authorized in anywise to subject the State, or any of the officers to any expense of any kind for fees, costs, charges or compensation, or any other expense whatever, or to incur any indebtedness to be paid by the State or any of its officers, or to collect, receive or receipt for any money or thing found due or coming to the State.

The said Meloy is to have for his fees and compensation, ten per centum on the money paid or secured to be paid to the State, and the lands recovered to the State; ten per centum on a valuation of \$1.25 per acre, and is to look to the Legislature of the State only for such compensation.

This appointment, and the agreements herein contained, are subject to the approval of the Legislature of the State.

[Signed,]

ISAAC P. GRAY,  
Governor.

Under this appointment Mr. Meloy proceeded at once to assert and prosecute said claims and as a partial result thereof, I received on May 27, 1886, a check on the United States Treasury for \$8,405.71, as indemnity for swamp lands sold by the Federal Government, and which, it was shown by the field notes and plats of survey, should have been conveyed to the State under the aforesaid Acts of Congress. Said check of \$8,405.71, I turned over to the Treasurer of State, and the amount thereof was credited to the swamp land fund.

Mr. Meloy informs me that a very large quantity of land, or indemnity for the same, can be secured to the State, but in consequence of the clerical force that he is compelled to employ in making the examination of the field notes and plats of survey, and looking up other evidence, and presentation of the same before the Department the fee of ten per cent. is insufficient, and he does not feel like proceeding any further in the matter unless his fee is increased to fifteen per cent. Mr. Meloy has been asking payment of his fee of ten per cent. upon the amount recovered, which has been due since May 27, 1886. I have delayed payment for the purpose of submitting my appointment, and action thereon, to the General Assembly, which, if approved, authority should be expressly given to pay at once Mr. Meloy his fees out of the Swamp Land Fund.

I earnestly call your attention to the matter and respectfully urge an early consideration of the same.

ISAAC P. GRAY,  
Governor.

Referred to the Committee on Judiciary.

The question recurring on the motion to adopt Senator Johnson's amendment to House Bill No. 14.

The motion was lost.

Senator Winter offered the following amendment to Section 1 of House Bill No. 14:

I move to amend Section 1 by inserting in line 6, after the word "person" the words, "if demanded," and by adding to the section the words, "and any contract to the contrary shall be void."

The amendment was adopted.

Senator Bailey moved that Section 1 of the bill be adopted as amended.

The motion carried.

A roll-call of the Senate was ordered by the President preparatory to the Senate repairing to the hall of the House of Representatives to meet the House in joint convention, when there were 34 Senators found to be present, whereupon the Senate repaired to the hall of the House of Representatives at 12 o'clock noon.

The Senate returned to the Senate Chamber at 1:30 o'clock P. M.

Senator Day moved that when the Senate adjourn it adjourn until 2:30 o'clock P. M.

Motion carried.

On motion of Senator Bailey the Senate adjourned.

The Senate and House of Representatives met in joint convention in the hall of the House of Representatives pursuant to adjournment at 12 o'clock noon, January 29, 1887, for the purpose of electing a United States Senator to the Congress of the United States for the State of Indiana for the term of six years, commencing March 4, 1887.

The Hon. A. G. Smith, President of the Senate, called the joint convention to order, and announced the following pairs:

Senators Urmston with DeMotte, Rahm with Moon, Sellers with Ensley, Barrett with Drake, Schloss with Kennedy, Weir with Davis, Mullinix with Sears and Thompson of Marion with Thompson of Jasper, all of whom are paired on all political questions, and especially on the vote in joint convention for United States Senator, and requested the Secretary to call the roll of the Senate, omitting the names of all Senators announced as paired, which being done showed that the following Senators were present:

Senators Andrew, Bailey, Berry, Branaman, Bryant, Campbell, Cox, Day, Dresser, Duncan of Tipton, Duncan of Brown, Fowler, French, Griffith, Hale, Harness, Howard of Decatur,

Howard of St. Joseph, Huston, Johnson, Logsdon, Macy, Marshall, McClure, McDonald, Peterson, Shroyer, Shively, Smith of Jennings, Smith of Wells, Tharp, Trippet, Winter and Zimmerman. Total, 34.

The Speaker of the House announced the following pairs in the House :

Representatives Brown with Shambaugh, Stubblefield with Worrall, Montgomery of Gibson with Whitworth, Kelley of Boone with Garrison, Thompson with Metzger, Beasley with McCray, Conger with Major, Leighty with Darroch, Linck with Cushman, Galbraith with McMath, Stull with Groves, Askren with Sinclair, Dunn with Bertram, Connely with Dickerson, Commons with Foley, Conder with Buskirk, Roberts with Van Slyke, Mock with Covert, Kelly of Lagrange with Cruson, Parker with Nolin, Trout with Custer, Carrick with Cox of Miami, Howard with Weyand, Klein with Patten, Osborn with White, Fleece with Barnes, Reynolds with Selvey, Friend with Cox of Cass and Miami, Grose with Niblack, and Gordon with Little. All of whom were paired on all political questions, and especially on voting in joint convention for United States Senator.

Mr. Jewett moved that the call of the roll of the House of Representatives be dispensed with.

The motion carried.

Senator McDonald moved that the reading of the journal of the joint convention of yesterday be dispensed with.

The motion carried.

The Hon. A. G. Smith, President of the Senate, ordered the Secretary to call the roll of the Senate on the thirteenth ballot for United States Senator, which being done, resulted as follows:

Those voting for Hon. David Turpie were:

Senators Andrew, Bailey, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Peterson, Shively, Smith of Jennings, Smith of Wells, Tharp, Trippet, and Zimmerman. Total, 24.

Those present and refusing to vote were :

Senators Campbell, Dresser, Duncan of Tipton, Harness, Huston, Johnson, Macy, Marshall, Shroyer, and Winter. Total, 10.

Those voting for Hon. Jason H. Allen, none.

The Speaker of the House ordered the Clerk to call the roll of the House on the thirteenth ballot for United States Senator.

Which being done, resulted as follows :

Those voting for Hon. David Turpie were :

Representatives Blinks, Clarke, Foster, Harrell, Ibach, Jewett, Kellison, Montgomery of Owen, Pierce, Pleasants, Schley, Shields, and Sunman. Total, 13.

Those voting for Hon. Jason H. Allen were :

Representatives Cates, Mackey, and Robinson. Total, 3.

The Clerk having called the entire roll of the House, except the names of those Representatives announced as paired, the above recorded votes were the only responses to the call of said roll.

The Hon. A. G. Smith, President of the Senate, made the following announcement as the result of the joint ballot :

The Hon. David Turpie, 37 votes; Hon. Jason H. Allen, 3 votes.

Not being a quorum present, there is no election.

Whereupon Mr. Scott moved that the joint convention adjourn.

The motion carried.

## AFTERNOON SESSION.

JANUARY 29, 1887.

The Senate met, pursuant to adjournment, at 2:30 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

House Bill No. 14 being under consideration, Senator Fowler offered the following amendment :

MR. PRESIDENT :

I move to amend section 2 as follows :

Strike out of said section all after the word "obligation," in line 3.

FOWLER.

Senator Tharp offered the following substitute for section 2 of said bill :

MR. PRESIDENT :

I move to strike out all of section 2 and insert in lieu thereof the following :

That any person, co-partnership, corporation, or association, or any member, agent, or employe thereof, who shall publish, issue, or circulate any check, card, or other paper which is not commercial paper, or currency issued by authority of the United States Government, to any employe of such person, co-partnership, corporation, or association, in payment for any manual or mechanical work or labor done by such employe, or in payment for any work or labor contracted to be done by such employe, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars.

Senator Bailey offered the following amendment to the substitute of Senator Tharp, as follows :

MR. PRESIDENT :

I move to amend the substitute offered by the Senator from Daviess to House Bill No. 14, as follows: In line four (4), after the word "paper," insert "payable at a fixed time, in any bank in this State, at its full face value in lawful money of the United States, with eight (8) per cent. interest."

BAILEY.

The amendment was accepted.

Senator Drake offered the following amendment:

MR. PRESIDENT:

I move to strike out of section 2, line 6, the words "manual or mechanical."

The amendment was accepted.

Senator Bailey offered the following amendment:

MR. PRESIDENT:

I move to insert the words "or by bank check," after the eight (8) per cent. interest, in section 2 of House Bill No. 14.

BAILEY.

Accepted.

Senator Howard offered the following amendment:

MR. PRESIDENT:

I move that in line 8 of substitute for section 2, House Bill 14, strike out "less" and insert "more."

T. E. HOWARD.

Adopted.

Senator Bailey moved to adopt section 2 as amended.

The motion carried.

Section 3 was read.

Senator Bailey moved to adopt section 3 as read.

Motion carried.

Senator Winter offered the following amendment (7) to section 4:

Amend section 4 by inserting in line one after the word "fail" the words "for ten days after demand of payment has been made," and by striking out of lines three and four the words "and twenty (20) per cent. damages" and inserting in lieu thereof the words "to which shall be added a penalty of one dollar for each succeeding day and a reasonable attorney's fee."

Adopted.



Senator Bailey moved to adopt section 4 as amended.

Motion carried.

Section 5 was read.

Senator Johnson offered amendment No. 8 to section 5 as follows:

MR. PRESIDENT:

I move to amend section 5 of House Bill No. 14 by striking out the word "fifty" in line three and inserting the word "five" in lieu thereof and by striking out the word "five" in said line and inserting the word "are" in lieu thereof.

JOHNSON.

Adopted.

Senator Winter offered the following amendment:

Amend section 5 by inserting in line one after the word "provisions" the words "of section 3."

Adopted.

Senator Howard of Decatur offered the following amendment:

MR. PRESIDENT:

I move to amend section 5 by adding after the word "who" in line one the words "knowingly and willfully."

Adopted.

Senator Bailey moved to adopt section 5 of House Bill No. 14 as amended.

Adopted.

Senator Bailey moved to adopt section 6 of House Bill No. 14.

Adopted.

Senator Bailey moved that the amendments to House Bill No. 14 be engrossed.

Motion carried.

Senator Bailey introduced Senate Bill No. 169, entitled :

A bill for an act providing for the incorporation of labor organizations.

Which was read a first time and referred to the Committee on Labor and Labor Statistics.

Senator Bailey introduced Senate Bill No. 170, entitled :

A bill for an act regulating the hours of mechanics, working-men and laborers employed in this State, or employed by the State, or otherwise employed upon the public works thereof.

Which was read a first time and referred to the Committee on Labor and Labor Statistics.

Senator Bailey introduced Senate Bill No. 171, entitled :

A bill for an act relating to the imprisonment of convicts in the Indiana State Prison South and Indiana State Prison North, and the employment, government, and release of such convicts by the Board of Managers.

Read a first time and referred to Committee on Labor and Labor Statistics.

Senator Bailey introduced Senate Bill No. 172, entitled :

An act prohibiting the employment of any child under the age of fourteen years by any person, firm, company, corporation or association engaged in mining coal or any other kind of manufacturing whatsoever, providing a penalty and declaring an emergency.

Which was read a first time and referred to the Committee on Labor, etc.

Senator Bailey introduced Senate Bill No. 173, entitled :

A bill for an act concerning the liability of corporations and companies for the injury or death of an employe, caused wholly or in part by the carelessness or negligence of a fellow-servant or co-employe, repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

Read a first time and referred to Committee on Labor and Labor Statistics.

Senator Bailey introduced Senate Bill No. 174, entitled :

An act providing for the infliction of corporal punishment upon persons found guilty of wife beating.

Which was read a first time and referred to the Committee on Labor and Labor Statistics.

Senator Bailey introduced Senate Bill No. 175, entitled :

A bill for an act regulating railroad passenger fare and providing for the penalties thereto, and repealing all laws and parts of laws in conflict therewith, and declaring an emergency.

Read a first time and referred to Committee on Railroads.

Senator Bailey introduced Senate Bill No. 176, entitled :

An act concerning the recording of wills.

Read a first time and referred to the Committee on Judiciary.

Senator Dresser offered Concurrent Resolution No. 9, as follows :

*Resolved*, That our Senators in Congress are instructed, and our Representatives in Congress are requested to enact into a law, a bill prohibiting aliens, who are non-residents of the United States, from acquiring title to any lands in the United States or Territories, and requiring such aliens as now hold title to any such lands to dispose of such holdings within a reasonable time; failing to do so, the same to be forfeited and escheat to the United States.

Read a first time and referred to Committee on Federal Relations.

Senator Hale introduced Senate Bill No. 177, entitled :

A bill for an act to amend an act entitled an act to authorize cities to issue bonds.

Read a first time and referred to Committee on Cities and Towns.

Senator Thompson of Marion, from Committee on Cities and Towns, made the following majority report :

MR. PRESIDENT :

Your Committee on Cities and Towns, to whom was referred Senate Bill No. 162, have had the same under consideration, and a majority of said committee recommend that the bill do pass.

W. C. THOMPSON,  
HENRY U. JOHNSON,  
F. WINTER,  
JAMES N. HUSTON, with reservation as to constitutionality of bill.

The following minority report was made on Senate Bill No. 162 :

MR. PRESIDENT :

We, the undersigned members of the Committee on Cities and Towns, having had under consideration Senate Bill No. 162, introduced by Senator Thompson of Marion, recommend that the same be indefinitely postponed.

V. ZIMMERMAN,  
J. M. BARRETT,  
I. B. McDONALD.

Senator Thompson of Marion offered a report from the Committee on Benevolent Institutions, as follows :

MR. PRESIDENT :

Your Committee on Benevolent Institutions, to whom was referred Senate Bill No. 161, introduced by Senator Thompson of Marion, have had the same under consideration, and direct me to report the same back to the Senate with a recommendation that it be laid upon the table.

RAHM,  
Chairman.

Senator Zimmerman introduced Senate Bill No. 178, entitled :

An act empowering Township Trustees to purchase and keep public cemeteries in repair.

Read a first time and referred to Committee on County and Township Business.

Senator Davis introduced Senate Bill No. 179, entitled :

A bill for an act to amend section 372 of an act concerning proceedings in civil cases.

Read a first time and referred to Committee on Judiciary.

Senator Johnson introduced Senate Bill No. 180, entitled :

An act to amend sections 18 and 21 of an act entitled an act concerning the partition of lands, approved May 20, 1852, the same being sections 1199 and 1202 of the Revised Statutes of 1881.

Read a first time and referred to Committee on Judiciary.

Senator Johnson introduced Senate Bill No. 181, entitled :

An act to amend sections 2 and 4 of an act entitled an act to amend sections 1, 6, 19, 20 and 34 of an act entitled an act concerning highways and supervisors thereof, approved March 2, 1883, and declaring an emergency, approved April 13, 1885.

Read a first time and referred to Committee on Roads.

Senator Duncan of Brown introduced Senate Bill No. 182, entitled :

An act in relation to the purchase of school furniture and apparatus, and limiting the power of Township Trustees in such purchases.

Read a first time and referred to Committee on Education.

Senator Griffith introduced Senate Bill No. 183, entitled :

A bill for an act to amend section 28 of an act concerning the partition of lands, approved May 20, 1852, being section 1208 of the Revised Statutes of 1881, and declaring an emergency.

Read a first time and referred to the Judiciary Committee.

Senator Griffith, from the Committee on Public Buildings, made the following report on Senate Bill No. 9:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 9, recommend that the title to said bill be amended by inserting

in line 3 of the title, after the words "Hendricks," the following words to-wit: "and the Odd Fellows' Association to erect and maintain a monument to the memory of the late Schuyler Colfax;" that section 1 of said bill be amended by inserting in line 4, after the word "Hendricks," the following words, to-wit: "and the Odd Fellows' Association is also hereby authorized and permitted to erect and maintain a monument to the memory of the late Schuyler Colfax;" that said section be further amended by inserting at the end of line 4 of said section the following words, to-wit: "upon any unoccupied part of;" that when so amended your committee recommend that the bill pass.

GRIFFITH,  
Chairman.

Senator Peterson, from the Committee on Roads, made the following report:

MR. PRESIDENT:

Your committee to whom was referred Senate Bill No. 60, introduced by Senator Peterson, have had the same under consideration, and direct me to report the same back to the Senate with a recommendation that it do pass.

PETERSON,  
Chairman.

Senator Peterson, from the Committee on Roads, made the following report on Senate Bill No. 71:

MR. PRESIDENT:

Your committee to whom was referred Senate Bill No. 71, introduced by Senator Dresser, have had the same under consideration, and direct me to report the same back to the Senate with a recommendation that it do pass.

PETERSON,  
Chairman.

Senator Fowler introduced Senate Bill No. 185, entitled:

An act requiring foreign insurance companies to pay judgments rendered against them in this State, appeal from such judgments or forfeit their right to do business within this State, providing penalties and declaring an emergency.

Read a first time and referred to Committee on Insurance.

Senator Branaman introduced Senate Bill No. 186, entitled :

An act to amend section 4 of an act to amend sections 1, 6, 19, 20 and 34 of an act entitled an act concerning highways.

Read a first time and referred to Committee on Roads.

Senator Andrew introduced Senate Bill No. 187, entitled :

An act to amend section 13 of an act entitled an act defining the powers and duties of Justices of the Peace, in force July 5, 1871, being section 1441, Revised Statutes of 1881, and declaring an emergency.

Read a first time and referred to Committee on Judiciary.

Senator Macy introduced Senate Bill No. 188, entitled :

A bill for an act to amend section 215 of an act entitled an act concerning proceedings in criminal cases. Approved April 19, 1881, being section 1789.

Read a first time and referred to Committee on Judiciary.

Senator Macy introduced Senate Bill No. 189, entitled :

A bill for an act to amend the second clause of section 1 of an act entitled an act to amend the first section of an act entitled an act to amend the 22d section of an act entitled an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof and declaring their duties. Approved June 11, 1852; approved March 2, 1855; approved March 1, 1877, being section 3333, Revised Statutes, 1881.

Which was read a first time and referred to the Committee on Cities and Towns.

Senator Tharp introduced Senate Bill No. 190, entitled :

A bill for an act to provide for the study of the nature of alcoholic drinks and narcotics, and of their effects upon the human system, by the pupils in the public schools of the State of Indiana.

Which was read a first time and referred to the Committee on Education.

Senator Duncan of Brown, introduced Senate Bill No. 191, entitled :

A bill for an act appropriating two thousand four hundred and ninety-eight dollars and seventy-eight cents to pay the indebtedness of the State of Indiana to Wm. B. Burford, as contractor for the public printing, binding and stationery for the State, under his contract for printing, binding and stationery, and declaring an emergency.

Read a first time and referred to Committee on Claims.

Senator Winter introduced Senate Bill No. 192, entitled :

An act to amend sections 1, 2 and 3 of an act entitled an act to provide for the care and custody of the persons and estate of habitual drunkards, being sections 4318, 4319, and 4320 of the Revised Statutes of 1881, and declaring an emergency.

Read a first time and referred to the Committee on Judiciary.

Senator Day introduced Senate Bill No. 193, entitled :

A bill for certain citizens of the State who are compelled to change location on or after cold weather.

Read a first time and referred to Committee on Benevolent Institutions.

Senator Logsdon offered a communication from Post 123, G. A. R., which was referred to Committee on Military Affairs, without reading.

Senator Logsdon, Chairman of Committee on Corporations, made the following report on Senate Bill No. 104:

MR. PRESIDENT :

Your Committee on Corporations, to whom was referred Senate Bill No. 104, introduced by Senator Shroyer, a bill to amend an act entitled an act to incorporate the Western Mutual Life Insurance and Trust Company, approved February 15, 1889, would respectfully report that they have had the same under consideration, and recommend that said bill do pass.

H. M. LOGSDON,  
Chairman.



Senator McDonald introduced Senate Bill No. 194, entitled :

A bill for an act to amend section 1 of an act requiring county auditors to publish a statement of allowances, etc., approved March 9, 1875.

Read a first time and referred to Committee on County and Township Business.

Senator Johnson introduced Senate Bill No. 195, entitled :

An act to amend section 216 of an act entitled "an act concerning proceedings in criminal cases," approved April 19, 1881, the same being section 1821 of the Revised Statutes of 1881.

Read a first time and referred to Committee on Judiciary.

Senator Trippet offered Senate Resolution No. 66:

WHEREAS, It is unjust to the laboring people of the State of Indiana, that convict labor should be permitted to be in competition with free labor, and,

WHEREAS, The highways of this State may be improved greatly by compelling the convicts of the State to work upon the highways; therefore, be it

*Resolved*, That the Prison Committee of the Senate are directed to inquire as to how many of the convicts of the State could be worked upon the highways, and what arrangements it is necessary to make to prevent their escape, and said committee is desired to prepare and report a bill providing that counties may have the labor of certain convicts of the State free to labor upon highways, and providing that a certain number of citizens may also have the labor of certain convicts for the purpose of constructing free gravel roads or turnpikes, and said bill is to provide that said counties or citizens are to board and care for said convicts, and said committee shall have power to examine witnesses.

Adopted.

Senator Tharp offered the following motion in regard to Governor's message :

MR. PRESIDENT:

I move that the Governor's message, on the subject of Green River Island, be and the same is hereby referred to a committee of five, with instructions to report as early as possible what action should be taken by the State on the subject therein referred to.

C. K. THARP.

Carried.

The President of the Senate appointed Senators Tharp, Griffith, McDonald, Winter and Campbell as such committee.

Senator Hale, from Committee on Inspection and Supervision of the Journal of the Senate, made the following report:

MR. PRESIDENT:

Your Committee on the Inspection and Supervision of the Journal of the Senate, beg leave to report that we have examined said Journal from January 22 to January 27, inclusive, and find the same to be correct.

S. W. HALE,  
Chairman.

Senator Duncan, from the Committee on Education, made the following report:

MR. PRESIDENT:

Your committee to whom was referred Senate Bill No. 91, introduced by Senator Johnson, have had the same under consideration and direct me to report the same back to the Senate with a recommendation that it do pass.

W. C. DUNCAN,  
Chairman.

Senator Thompson presented a memorial from a number of citizens in regard to railroad legislation.

Which was referred to the Committee on Rights and Privileges without reading.

On motion of Senator Campbell, the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

## MONDAY MORNING.

JANUARY 31, 1887.

The Senate met in regular session at 10 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by Senator Smith of Wells.

Senator Schloss moved that the reading of the journal be dispensed with except that part of the journal relating to the joint convention of last Saturday.

Which was read, and, after being corrected by striking out that part showing the number present and not voting in the joint convention, that part of the journal which was read was approved as read.

The motion recurring on the motion of Senator Schloss.

The motion carried.

Senator Fowler, from the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

Your Joint Committee on Enrolled Bills, would report that on the twenty-eighth day of January, 1887, they delivered to the Governor for his consideration Enrolled House Act No. 105, and Enrolled House Act No. 132.

I. H. FOWLER,  
Chairman.

The report of the committee was concurred in.

Senator Trippet, from the Committee on Organization of Courts, made the following report on Senate Bill No. 10:

MR. PRESIDENT:

Your committee to whom was referred Senate Bill No. 10, has had the same under consideration, and recommend that the following amendment be made:

Insert in line 2, section 4, after the word court the following: Except that in appeals to the appellate court it shall not be necessary for the appellant to file any transcript in the appel-

late court except a transcript of the orders, decrees and judgments of the lower court, and he shall file, together with said transcript, in the clerk's office of the appellate court the original papers in said cause, and such bills of exceptions as may have become part of the record of said cause, and after said appeal shall have been determined said papers shall be returned to the court from which said appeal was taken, and it shall not be necessary for the clerk of the appellate court to make any record except of the opinion in said cause and the orders made by the appellate court. And after said amendment is made that said bill do pass.

OSCAR A. TRIPPET,  
Chairman.

Senator Trippet made the following motion :

I move that 200 copies of said bill be printed and the consideration thereof be made the special order of the day for next Friday, at 2 o'clock P. M.

Senator Thompson of Marion, from the Committee on Cities and Towns made the following report :

MR. PRESIDENT :

Your Committee on Cities and Towns, to whom was referred Senate Bill No. 127, have had the same under consideration, and recommend that the same be indefinitely postponed.

W. CLINTON THOMPSON,  
Chairman.

Senator Davis introduced Senate Bill No. 196, entitled :

A bill for an act concerning Librarian and the selection of a Librarian, and declaring an emergency.

Which was read a first time and referred to the Committee on State Library.

Senator French introduced Senate Bill No. 197, entitled :

An act to repeal an act entitled an act to regulate the rental allowed for the use of telephone, and fixing a penalty for its violation, etc.

Read a first time and referred to Committee on Judiciary.

Senator Kennedy introduced Senate Bill No. 198, entitled :

An act to set apart and dedicate a place in the State House for the purpose of erecting a statue of the late General Pleasant Adams Hackleman, with resolution from Joel Wolfe Post, G. A. R.

Which was read a first time.

Senator Kennedy moved that the constitutional rule be suspended, that the bill be read a second time by title, that it be considered engrossed and read a third time by sections, and put upon its passage.

The ayes and noes being ordered and taken, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Berry, Branaman, Bryant, Campbell, Cox, Day, DeMotte, Drake, Dresser, Fowler, French, Griffith, Hale, Harness, Howard of St. Joseph, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Trippet, Winter, Zimmerman, Mr. President. Total, 39.

No one voting in the negative.

So the constitutional rule was suspended.

Engrossed Senate Bill No. 198 was read a third time by sections and put upon its passage.

The ayes and noes were ordered and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Campbell, Cox, Davis, Day, DeMotte, Drake, Dresser, Fowler, French, Griffith, Hale, Harness, Howard of St. Joseph, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Trippet, Winter, Zimmerman, Mr. President. Total, 40.

No one voting in the negative.

So the bill passed.

The title as read was adopted as the title of the bill.

Senator Sears introduced Senate Bill No. 199, entitled :

A bill for an act regulating the sales of drugs and medicines and to establish the Indiana Board of Pharmacy, and prescribing rules for the government thereof.

Read first time and referred to Committee on Public Health and Vital Statistics.

Senator Sears introduced Senate Bill No. 200, entitled :

An act providing for the removal of County Superintendents of Schools, defining the causes for removal and manner of proceeding, giving the Board of Commissioners full power, at general or special sessions, to hear and determine the case, giving power to Boards of Commissioners to fill vacancies, repealing all laws in conflict, and declaring an emergency.

Read a first time and referred to Committee on Judiciary.

Senator Smith of Wells offered Senate Resolution No. 67, as follows:

MR. PRESIDENT:

WHEREAS, Considerable confusion has occurred among the pages on account of not being properly assigned certain territory; therefore be it

*Resolved*, That the several pages on the floor of the Senate Chamber be stationed as follows: Richard Brown, the east row of seats; Willie Hoffman, the second row of seats; Geo. Russ, the third row; Harry Wair, fourth and fifth rows; Leo Fitzpatrick, sixth and seventh rows, and Bertie Feibleman, President and Secretary's page, and that they be confined exclusively to the territory thus assigned, and that the Door-keeper be instructed to procure a stool for each page and place them at the head of the rows of seats herein assigned for the use and occupancy of said pages when not obeying calls of Senators and officers of the Senate.

J. H. C. SMITH.

The resolution was adopted.

Senator Thompson of Jasper introduced Senate Bill No. 201, entitled :

A bill for an act to amend section 8 of an act concerning the Public Health and regulating the practice of medicine.

Read a first time and referred to Committee on Public Health.

Senator Harness introduced Senate Bill No. 202, entitled :

An act for the protection of the ballot-box, etc., etc.

Read a first time and referred to Committee on Judiciary.

The following minority report was made by Senator Campbell on Senate Bill No. 10 :

MR. PRESIDENT :

The undersigned members of the Committee on Organization of Courts, to whom was referred Senate Bill No. 10, have had the same under consideration and beg leave to report that while we agree that the business accumulated in the Supreme Court of Indiana demonstrates the necessity of devising some means of affording relief to that tribunal, we can not approve the bill proposing to establish three appellate courts. Believing, however, that an intermediate appellate court should be created, the undersigned recommend that Senate Bill No. 138, which provides for one court composed of five judges, shall be substituted for Senate Bill No. 10, and that the same be passed.

L. M. CAMPBELL,  
A. MARSHALL,  
W. C. DUNCAN.

The question recurring on Senator Trippet's motion to make the consideration of Senate Bill No. 10 and the reports thereon a special order for Friday next at 10 o'clock A. M., and that 200 copies of each be printed.

The motion carried.

Senator Sellers, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

Your committee on Judiciary, to whom was referred Senate Bill No. 103, introduced by Senator Macy, having had the same under consideration, begs leave to submit the following report: Your committee unanimously recommends that said bill be passed.

SELLERS,  
Chairman.

Senator Sellers, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

Your committee on Judiciary, to whom was referred Senate Bill No. 26, introduced by Senator Johnson, having had the same under consideration, begs leave to submit the following report: Your committee unanimously recommends that said bill be passed.

SELLERS,  
Chairman.

Senator Bryant presented the following report from the Committee on County and Township Business :

MR. PRESIDENT :

Your Committee on County and Township Business, to whom was referred Senate Bill No. 160, have had the same under consideration and recommend the following amendments :

On page two (2), line two (2), strike out the words "one year" and insert the words "two years," and add after the word "Commissioners," on page two (2), line seventeen (17), the following: "*Provided*, That any County Clerk, on receipt of any fees for any witness or other person, shall, within thirty days thereafter, notify such person or persons to whom such fees are due, by mail, that such fees are paid in, for which said Clerk shall retain five (5) cents for each notice sent, and no more," and after said bill is so amended recommend that the same do pass.

BRYANT,  
Chairman.



Senator Bryant, from the Committee on County and Township Business, made the following report:

MR. PRESIDENT:

Your Committee on County and Township Business, to whom was referred Senate Bill No. 28, beg leave to report that they have had the same under consideration and recommend that the same be indefinitely postponed.

BRYANT,  
Chairman.

Senator Bailey introduced Senate Bill No. 203, entitled:

An act to pay Andrew Steffen, assignee of Griffith & Williams, for work done and material furnished by them for the State of Indiana, and declaring an emergency.

Read first time and referred to Committee on Claims.

Senator Shively asked that Senate Bill No. 80 be recommitted to the Committee on Public Health and Vital Statistics.

It was so ordered.

Senator Bailey called up Senate Bill No. 1.

Which was read a second time.

The report of the Committee was read, and—

On motion of Senator Bailey, the report was concurred in.

Senator Bailey moved that Senate Bill No. 1 be engrossed.

The motion carried.

Two hundred copies of Engrossed House Bill No. 14, as amended, and two hundred copies of Engrossed Senate Bill No. 2, as amended, were ordered printed.

The Senate repaired to the hall of the House of Representatives to meet the House in joint convention at 12 o'clock, noon.

The Senate and House of Representatives met in joint convention in the hall of the House of Representatives pursuant to adjournment, at 12 o'clock, noon, January 31, 1837, for the purpose of electing a United States Senator to the Congress of the United States for the State of Indiana, for the term of six years, commencing March 4, 1837.

The Hon. A. G. Smith, President of the Senate, called the Joint Convention to order.

Senator Sellers moved that the calling of the rolls of the Senate and House of Representatives, and the reading of the Journal of the Joint Convention of Saturday, January 29, 1887, be dispensed with.

Motion carried.

Hon. A. G. Smith, President of the Senate, ordered the Secretary to call the roll of the Senate on the fourteenth ballot for United States Senator, which being done, resulted as follows:

Those voting for Hon. David Turpie were:

Senators Bailey, Cox, Day, Duncan of Brown, French, Smith of Jennings, Tharp, Trippet and Zimmerman. Total, 9.

Those voting for Hon. Benjamin Harrison were:

Senators Campbell, Duncan of Tipton, Harness, Huston and Marshall. Total, 5.

Those voting for Hon. Jason H. Allen were, none.

The Speaker of the House ordered the Clerk to call the roll of the House on the fourteenth ballot for United States Senator, which being done, resulted as follows:

Those voting for Hon. David Turpie were:

Representatives Gordon, Harrell, Ibach, Kellison and Montgomery of Owen. Total, 5.

Those voting for Hon. Benjamin Harrison were:

Representatives Gardiner, Griffiths, Leighty, Pleak and Mr. Speaker. Total, 5.

Those voting for Hon. Jason H. Allen were:

Representatives Cates, Glover, Mackey and Robinson. Total, 4.

The Hon. A. G. Smith, President of the Senate, announced the following vote of the Joint Convention:

Hon. David Turpie received.....14 votes.  
 Hon. Benjamin Harrison received.....10 votes.  
 Hon. Jason H. Allen received..... 4 votes.

And further announced, no quorum voting, there was no election.

Senator French moved that the Joint Convention adjourn.

The motion carried and Convention adjourned.

The Senate returned to the Senate Chamber at 12:10 o'clock P. M.

On motion of Senator Zimmerman the Senate adjourned.

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### AFTERNOON SESSION.

JANUARY 31, 1887.

The Senate met pursuant to adjournment at 2 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

The following communication was received from the Hon. Justin McCarthy:

JANUARY 29, 1887.

DEAR SIR—I have to acknowledge the receipt of the resolution of the Senate of Indiana inviting me to visit the Senate and graciously according me the privilege of the floor. I beg of you to express to the Senate my sincere thanks for the honor they have done me and my regret that, having to leave Indianapolis so soon, I was unable to avail myself of their courtesy and kindness.

I have the honor to be, dear sir,

Very truly yours,

JUSTIN MCCARTHY.

Webster Dixon, Esq.,  
Principal Secretary.

Ordered to be spread of record on the journal.

Senator Fowler introduced Senate Bill No. 204, entitled :

An act to make certain deductions of taxes on real estate, providing for the payment of taxes on mortgages and vendors' liens on real estate by the holder of such liens, prescribing certain duties to be performed by County Auditors and Township Assessors, repealing all laws in conflict with the provisions of this act, and declaring an emergency.

Which was read a first time and referred to the Committee on Finance.

Senator Schloss introduced Senate Bill No. 205, entitled :

A bill for an act regulating foreign real estate title guarantee companies doing business in this State, prescribing the duties of the agents thereof, and of the Auditor of State in connection therewith, providing penalties for the violation of this act, and declaring an emergency.

Read a first time and referred to Committee on Insurance.

Senator Duncan of Brown introduced Senate Bill No. 206, entitled :

A bill for the relief of Joel S. Davis, ex Trustee of Sand Creek Township, Bartholomew County, Indiana.

Read a first time and referred to Committee on Claims.

Senator Cox introduced Senate Bill No. 207, entitled :

A bill to amend section 255 of an act concerning proceedings in civil cases, approved April 7, 1881, the same being section 412 of the Revised Statutes of 1881.

Read first time and referred to Committee on Judiciary.

Senate Bill No. 108 was taken up under the head of unfinished business.

Senator Fowler offered the following amendment to Senate Bill No. 108 :

Amend section 4 by adding the following to said section :  
*Provided, That Fort Wayne shall donate the land upon which said institution shall be situated, not exceeding 80 acres.*

FOWLER.

Motion to adopt lost.

Senator Harness offered the following amendment to amendment No. 1 to Senate Bill No. 108:

MR. PRESIDENT:

I move to amend the amendment to section 4 of Senate Bill 108 by striking out the following words: "suitable land at or near Fort Wayne in Allen County, Indiana, not exceeding 80 acres, and not to exceed the cost of \$10,000," and provided, further, the citizens of said county donate sufficient land upon which to locate said building.

The motion to adopt the amendment to the amendment was lost.

On motion of Senator Barrett Senate Bill No. 108 was considered as engrossed and read a third time and put upon its passage.

The ayes and noes were ordered and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Branaman, Campbell, Cox, Davis, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, French, Griffith, Hale, Harness, Howard of St. Joseph, Huston, Johnson, Kennedy, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Sears, Shroyer, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Urmston, Winter, Zimmerman, Mr. President. Total, 46.

Voting in the negative, none.

So the bill passed.

The title as read was adopted as the title of the bill.

Senator McDonald offered the following resolution:

MR. PRESIDENT:

I move that a special committee of three (3) Senators be appointed to fully investigate the title or titles as well as the existing contracts for buildings and lands upon which the Indiana Soldiers' and Sailors' Orphans Home at Knightstown is

located, and procure an abstract of title to the same, and that said committee make a report at an early date.

McDONALD.

The President of the Senate appointed as said committee Senators McDonald, Logsdon and Huston to examine abstract of title, etc.

Senate Bill No. 6 was read a second time.

On motion of Senator Rahm, Senate Bill No. 6 was made a special order for Thursday morning next at 10 o'clock.

The motion carried.

Senator Sears moved that Senate Bill No. 29, be taken up and read a second time.

The motion carried.

The report of the committee was read and concurred in and the bill was ordered engrossed.

On motion of Senator Bryant, Senate Bill No. 89 was taken up and read a second time, and the report of the committee was concurred in, and the bill was read by sections.

Section 1 was adopted as read.

Section 2 was read.

Senator Howard of St. Joseph offered the following amendment:

MR. President:

I move that Senate Bill No. 89 be amended as follows: Page 2, section 2, line 5, after the word "persons" insert the following: "not more than one of whom shall be residents of the same Congressional District."

Adopted.

Section 3 was read.

Senator Howard of St. Joseph offered the following amendment to section 3 of Senate Bill No. 89.

I move to amend section 3 of Senate Bill No. 89 by inserting the following after the word "year" in line 2: "which meet-

ings shall be held successively in northern, central and southern parts of the State," and in line 18 after "which" insert "meetings."

T. E. HOWARD.

Amendment adopted.

Section 4 was read and Senator Tharp offered the following amendment:

MR. PRESIDENT :

I move to amend the fourth section by striking out all of line 2 after the word "State," and in line 8 including pharmacist, and adding the following: "until canceled for cause by said board."

Adopted.

Section 5 was read.

Senator Johnson offered the following amendment to section 5 of Senate Bill No. 89 :

MR. PRESIDENT :

I move to amend section 5 of Senate Bill No. 89 by striking out the word "twenty-one" in line 6 of said section and inserting the word "eighteen" in lieu thereof.

JOHNSON.

Amendment adopted.

Senator Tharp offered the following amendment:

MR. PRESIDENT :

I move to strike out all of section 5 from word "every" in line 19 to the word "thereof" in line 28, inclusive.

Adopted.

Senator Howard of St. Joseph offered the following amendment to section 5 of Senate Bill No. 89 :

I move to amend section 5 by striking out the words "which sum shall be refunded where the examination proves unsatisfactory," in lines 15 and 16.

T. E. HOWARD.

Adopted.

Section 6 was read and Senator Winter offered the following amendment:

Amend section 6 by striking out of line 8 the words "and the," and all of line 9.

Adopted.

Senator Tharp offered the following amendment to section 6:

MR. PRESIDENT:

I move to strike out the words "renewal certificates," in line 8, page 5.

THARP.

Amendment adopted.

Section 7 was read and Senator Johnson offered the following amendment:

MR. PRESIDENT:

I move to amend section 7 of Senate Bill No. 89 by striking out the words "renewals of registration" in line 2 of said bill.

Adopted.

Section 8 was read and Senator Winter offered the following amendment to section 8:

Strike out of section 8, lines 12 and 13, the following words: "and all the expenses incurred by the Board of Pharmacy in connection therewith."

Also, the following amendment:

Insert in line 7 the word "knowingly" after the word "shall," and in line 9 the word "knowingly" after the word "shall."

Adopted.

Senator Davis offered the following amendment to section 8:

MR. PRESIDENT:

I move to amend section 8 of Senate Bill No. 89, by inserting the word "knowingly" after the word "shall" in line 1.

DAVIS.

Adopted.



Section 9 was read.

Senator Johnson offered the following amendment:

MR. PRESIDENT:

I move to amend Senate Bill No. 89, by striking out the word "fifteen," in line 10, of section 9 of said bill, and inserting the word "ten" in lieu thereof.

Adopted.

Senator Winter offered the following amendment to section 9:

Amend section 9 by striking out of line 15 the word "five" and inserting in lieu thereof the words "not less than five nor more than one hundred." Also, strike out of line 9 the word "who" and insert in lieu thereof the word "nor," and strike out the word "not" and insert in lieu thereof "any person."

WINTER.

Adopted.

Section 10 was read.

Senator Davis offered the following amendment to section 10 of Senate Bill No. 89:

MR. PRESIDENT:

I move to amend section 10 of Senate Bill No. 89 by striking out the words "the people of," in line 2.

DAVIS.

Adopted as amended.

Senator Trippet offered the following amendment:

MR. PRESIDENT:

I move to strike out section 10.

Adopted.

Section 11 was read and adopted as read.

Senator Winter offered the following amendment:

Amend the bill by striking out the word "penalty," wherever it occurs, and insert in lieu thereof the word "fine."

WINTER.

Adopted.

The bill was ordered engrossed as amended.

Senator Howard of Decatur moved that 200 copies of Senate Bill No. 89 be printed as amended.

The motion was lost.

On motion of Senator Sears, the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

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## TUESDAY MORNING.

FEBRUARY 1, 1887.

The Senate met in regular session at 10 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by the Rev. I. H. McConnell, pastor of Roberts Park M. E. Church, Indianapolis.

The reading of the journal was being proceeded with, when Senator Weir moved that the further reading be dispensed with, except that part relating to the joint convention of yesterday.

Which was read.

Senators McDonald, Fowler and McClure objected to the omission of their names from the roll call of the Senate in joint convention of yesterday, and asked that the records show that they were present and ready to vote.

The President of the Senate appointed Senators Fowler and Campbell to see that the Journal is made to conform to the wishes of the objecting Senators, showing why they did not vote in the joint convention.

The President of the Senate ordered that a roll call of the Senate be made, which was done and resulted as follows:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Campbell, Cox, Davis, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, French, Griffith, Hale, Harness, Howard of Decatur, Howard of St. Joseph,

Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Trippet, Urmston, Winter, Weir, Zimmerman and Mr. President.

Every Senator answered to his name except Senator Tharp.

On motion of Senator Sellers all pairs between Senators were declared off.

The question recurring on the motion of Senator Weir.

The motion carried.

On motion of Senator Thompson of Marion, Senate Bill No. 9 was taken up and read a second time by sections, and the report of the committee was concurred in.

Senator Trippet offered amendment No. 1 to Senate Bill No. 9 as follows :

MR. PRESIDENT :

I move to strike out that part of the bill beginning at the words "University Square" to the end of section 1.

TRIPPET.

Senator Sellers offered the following substitute to section 1 of Senate Bill No. 9, which was accepted by Senator Trippet :

MR. PRESIDENT :

I move to amend section 1 of Senate Bill No. 9 by striking out the words "University Square."

SELLERS.

Senator Duncan of Tipton moved the previous question on Senate Bill No. 9.

The Senate seconded the demand for the previous question.

The question being, Shall the main question be now put ?

The motion carried.

The question being on the motion to adopt Senator Sellers's substitute.

The substitute was lost.

The question being on the engrossment of the bill.

The motion carried.

Senator Bailey moved that the constitutional rule be suspended, that the bill be read a third time by sections, and put upon its passage.

The ayes and noes were ordered and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Campbell, Cox, Day, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, French, Griffith, Hale, Harness, Howard of Decatur, Howard of St. Joseph, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Trippet, Urmston, Winter, Weir, Zimmerman, Mr. President. Total, 49.

Those voting in the negative, none.

So the constitutional rule was suspended.

Engrossed Senate Bill No. 9 was read a third time by sections.

Senator Campbell offered the following in regard to the reference of Senate Bill No. 9 to a committee of one for amendment :

MR. PRESIDENT :

I move to refer Senate Bill No. 9 to a special committee of one with instructions to amend section 1 by adding the following proviso : *Provided*, That such monument shall cost not less than \$5,000.

CAMPBELL.

Senator Campbell was appointed as a committee of one to make amendment to said bill according to the above motion, which was done.

The question being, Shall the bill pass as amended ?

The ayes and noes were ordered and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Campbell, Cox, Davis, Day, DeMotte, Drake, Dresser, Duncan of Brown, Duncan of Tipton, Ensley, Fowler, French, Griffith, Hale, Harness, Howard of Decatur, Howard of St. Joseph, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Trippet, Urmston, Winter, Weir, Zimmerman, Mr. President. Total, 48.

No one voting in the negative.

So the bill passed.

The title as read was adopted as the title of the bill.

Senator Fowler offered the following protest :

The undersigned Senators respectfully protest against the record of the joint convention as made up for January 31, 1887, for the reason that it appears from said record that we were not present at the vote taken for United States Senator, when, in fact, we were each and all present and ready to vote if our names had been called, and we disapprove of the agreement by which our names were not called. We ask that this protest be entered upon the record.

I. H. FOWLER,  
 PHILLIP SCHLOSS,  
 D. MCCLURE,  
 JAS. S. SHIVELY,  
 L. T. MULLINIX,  
 J. H. C. SMITH,  
 D. C. BRYANT,  
 J. M. ANDREW,  
 W. C. THOMPSON of Marion.

Ordered spread upon the record.

Senate Bill No. 13 was taken up as a special order for this hour.

The report of the committee was read and concurred in.

Senate Bill No. 13 was read a second time.

Senator Thompson of Jasper offered the following amendment to Senate Bill No. 13:

MR. PRESIDENT:

I move to amend section 1 as follows: In line 7 insert the word "lawfully" before the word "engaged," and add to said section, at its close, these words: "And who shall register under the provisions of this act."

THOMPSON,  
Of Jasper.

Amendment adopted.

Section 1, as amended, was adopted.

Senator Thompson of Jasper offered the following amendment, No. 2, to section 2 of Senate Bill No. 13:

MR. PRESIDENT:

I move to amend section two (2) as follows: In line 5 change the word "applications" to the word "applicants."

THOMPSON,  
Of Jasper.

Amendment adopted.

Senator Trippet offered the following amendment to section 3 of Senate Bill No. 13:

MR. PRESIDENT:

I move to amend by striking out all that part of section 3 beginning at the word "and," in line 10, to and including the word "same," in line 13.

TRIPPET.

Pending discussion on Senator Trippet's amendment a call of the roll of the Senate was ordered, preparatory to the Senate repairing to the hall of the House of Representatives to meet the House in joint convention.

The roll being called, all the Senators were found to be present, and the Senate repaired to the hall of the House of Representatives at 12 o'clock, noon.

The Senate and House of Representatives of the Fifty fifth General Assembly met in joint convention in the hall of the House of Representatives, pursuant to adjournment, at 12

o'clock, noon, February 1, 1887, for the purpose of electing a United States Senator to the Congress of the United States for the State of Indiana, for the term of six years, commencing March 4, 1887.

Hon. A. G. Smith, President of the Senate, called the joint convention to order and announced that all pairs heretofore announced as existing between Senators were off, as all the Senators were now present, and ordered the Secretary to call the roll of the Senate, which, being done, showed that all the Senators were present.

The Speaker of the House announced that all pairs among Representatives were off, except as between Mr. Connely and Mr. Dickerson, who were still paired on all political questions, and ordered the Clerk to call the roll of the House, omitting the names of Mr. Connely and Mr. Dickerson, who were paired, which, being done, showed that all the Representatives were present except Mr. Connely and Mr. Dickerson.

Mr. Jewett moved that the reading of the journal of the joint convention of yesterday be dispensed with.

Motion carried.

Hon. A. G. Smith, President of the Senate, ordered the Secretary to call the roll of the Senate on the fifteenth ballot for United States Senator, which, being done, resulted as follows:

Those voting for Hon. David Turpie were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Jennings, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir and Zimmerman. Total, 32.

Those voting for Hon. Benjamin Harrison were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears, Thompson of Jasper, and Winter. Total 18.

Those voting for Hon. Jason H. Allen, none.

The Speaker of the House ordered the Clerk to call the roll of the House on the fifteenth ballot for United States Senator, omitting the names of Mr. Connely and Mr. Dickerson, who are paired.

Which being done, resulted as follows :

Those voting for Hon. David Turpie were :

Representatives Askren, Barnes, Beasley, Bertram, Blinks, Buskirk, Clarke, Cox of Cass and Miami, Cox of Miami, Cruson, Cushman, Custer, Darroch, Foley, Foster, Galbraith, Garrison, Gordon, Harrell, Ibach, Jewett, Kellison, Major, Metzger, Mock, Montgomery of Owen, Niblack, Parker, Patten, Pierce, Pleasants, Roberts, Schley, Selvey, Shambaugh, Shields, Stull, Sunman, Weyand, White, Whitworth, and Worrall. Total, 42.

Those voting for the Hon. Benjamin Harrison were :

Representatives Ackman, Alexander, Barnard, Briant, Brown, Buckles, Carrick, Catey, Caven, Commons, Conder, Conger, Covert, Davis, Dunn, Fleece, Friend, Gardiner, Gough, Green, Griffiths, Grose, Groves, Harley, Hobson, Howard, Kelley of Boone, Kelly of Lagrange, Kercheval, Klein, Leighty, Linck, Little, Loop, McCallum, McCray, McMath, Miller, Morse, Montgomery of Gibson, Nolin, Osborn, Oursler, Pleak, Reynolds, Scott, Sinclair, Stubblefield, Thompson, Trout, Van Slyke, and Mr. Speaker. Total, 52.

Those voting for Hon. Jason H. Allen were :

Representatives Cates, Glover, Mackey, and Robinson. Total, 4.

Hon. A. G. Smith, President of the Senate, announced the total vote of the Joint Convention as follows :

Hon. David Turpie received 74 votes.

Hon. Benjamin Harrison received 70 votes.

Hon. Jason H. Allen received 4 votes.

Necessary to a choice 75 votes.

No one having received a majority of all the votes cast, there is no election and it is in order to proceed to another ballot.



Whereupon, Mr. Stubblefield moved that the Joint Convention adjourn.

Motion carried and convention adjourned.

The Senate returned to the Senate Chamber at 12:15 o'clock.

Senator Bryant moved that the Senate adjourn.

Motion carried.

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### AFTERNOON SESSION.

FEBRUARY 1, 1887.

The Senate met pursuant to adjournment at 2 o'clock.

Hon. A. G. Smith, President of the Senate, in the chair.

Senator Campbell moved that when the Senate adjourn it adjourn at 3 o'clock P. M.

Motion carried.

Senate Bill No. 13 was taken up as unfinished business and discussion was resumed on said bill.

Senator Johnson made the following motion:

MR. PRESIDENT:

I move that Senate Bill No. 13 be recommitted to the Committee on Public Health with instructions to so amend the same as to make it certain, in plain and unambiguous language, a provision that no person shall be permitted to practice dentistry in Indiana, without passing an examination before a Board, to be appointed by the State Dental Association, and receiving a permit from said Board so to practice; but that said Board may dispense with said examination if it sees proper, on the applicant presenting a diploma from a reputable dental college.

Senator Campbell moved to recommit without instructions.

Senator Johnson accepted the amendment.

Motion carried.

Senator Sellers introduced Senate Bill No. 208, entitled:

An act concerning the organization and perpetuity of voluntary associations, and declaring an emergency.

Read a first time.

Senator Sellers moved to suspend the constitutional rule and that the bill be read a second time by title, that it be considered engrossed and read a third time by sections and put upon its passage.

The ayes and noes were ordered and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Bailey, Barrett, Berry, Branaman, Bryant, Campbell, Cox, Davis, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, French, Griffith, Hale, Harness, Howard of St. Joseph, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sellers, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Trippet, Winter, Weir, Zimmerman, Mr. President. Total, 42.

Voting in the negative, none.

So the constitutional rule was suspended.

Engrossed Senate Bill No. 208 was read a second time by title, considered as engrossed, and read a third time by sections and put upon its passage.

The ayes and noes were ordered and taken and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Campbell, Cox, Davis, Day, DeMotte, Drake, Dresser, Duncan of Brown, Ensley, Fowler, French, Griffith, Hale, Harness, Howard of St. Joseph, Johnson, Kennedy, Macy, Marshall, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Trippet, Urmston, Winter, Weir, Zimmerman and Mr. President. Total, 45.

Voting in the negative, none.

So the bill passed.

The title as read was adopted as the title to the bill.

Senator Johnson presented a memorial from the citizens of Economy, Indiana, which was referred to Committee on Judiciary without reading.

Senator DeMotte introduced Senate Bill No. 209, entitled:

A bill for an act to declare the insanity of a county, township or judicial officer a vacation of said office, in this State, and to prescribe the manner in which such vacancy may be filled.

Read first time and referred to Committee on Judiciary.

Senator Weir offered Senate Concurrent Resolution No. 10, as follows:

*Resolved by the Senate, the House Concurring,* That the following bills herein named be allowed and paid out of the funds appropriated to defray the expenses of the present session of the General Assembly, the same having been incurred by order of the Senate:

Sander & Recker, for 6 stools .....	\$5 50
Frommeyer Bros., 1 cooler and 2 tumblers.....	6 00
Frank M. Talbott, brushes, step-ladder, mops, dusters, combs, sponges, etc .....	21 00
Jacob Aug, washing 55 towels.....	3 30

On motion of Senator Weir the resolution was adopted.

Senator Rahm moved that Senate Bill No. 7 be made a special order for to-morrow (Wednesday) at 10:30 o'clock A. M.

On motion of Senator Kennedy the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

## WEDNESDAY MORNING.

FEBRUARY 2, 1887.

The Senate met in regular session at 10 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by Senator Davis.

The reading of the journal was being proceeded with, when Senator Schloss moved that its further reading be dispensed with, except that part relating to the joint convention of yesterday.

Which was read and approved.

The question recurring on the motion of Senator Schloss to dispense with the further reading of the journal, etc.

The motion carried.

A memorial was received from the Indiana Historical Society asking that room No. 48 in the State House be set aside for a place to keep the books and manuscripts of said society; also that the Legislature appropriate \$5,000 for the printing of old manuscripts and State papers, and an annual appropriation of two thousand dollars thereafter, be made for the maintenance of the same, and that the State Librarian be the custodian of the same.

Read and referred to the Joint Committee on State Library.

Senator Weir moved that the special order for to-day at 10 o'clock A. M. be postponed and made a special order for next Friday evening at 2 o'clock.

The motion carried.

Senate bills on their third reading being the regular order of business, Engrossed Senate Bill No. 1 was read a third time by sections and put upon its passage.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT, }  
INDIANAPOLIS, Feb. 1, 1887. }

*Gentlemen of the Senate :*

The Governors and representatives of the thirteen colonial States met at Philadelphia, on September 17, 1886, at the Historic Carpenters' Hall, to consider the propriety of preparing for a national celebration of the centennial anniversary of the framing of the Constitution of the United States, at which meeting a resolution was adopted that the convention communicate through its Chairman and Secretary, with the President of the United States, and with the Governors of the States and Territories, requesting the latter to appoint delegates to meet in Philadelphia, on Thursday, the 2d day of December, 1886, to perfect a permanent organization for said centennial anniversary. A copy of the resolution adopted by said meeting and the letter of the chairman requesting said appointments, I transmit herewith.

In accordance with said request, I appointed, as delegate from the State of Indiana, the Hon. Charles H. Reeve, of Plymouth, whose report of said meeting I herewith lay before you, together with a pamphlet copy containing the proceedings of the meeting. All of which is respectfully submitted for your consideration and such action as you may deem worthy.

ISAAC P. GRAY,  
Governor.

Accompanying the message of the Governor to the Senate were received resolutions of the Governors of the original thirteen States of the United States, inviting the Federal Government and each State and Territory to unite in the proper celebration of the centennial anniversary of the framing of the Constitution of the United States on the 17th day of September, 1887, at Philadelphia.

Also, a communication from Charles H. Reeve, a delegate appointed by the Governor to attend a meeting of the Governors and representatives of the thirteen colonial States, which had a meeting in Philadelphia on the 17th of September, 1886, said meeting being for to make arrangements for the centennial celebration of the framers of the Constitution of the United States of America, to be held at Philadelphia on the 17th day of September, 1887.

Senator Sellers offered the following motion :

MR. PRESIDENT:

I move to recommit Senate Bill No. 1 to a special committee of five Senators, with instructions to prepare and report a bill providing for the appointment of a State Boiler Inspector, and providing that stationary engines used in manufactories and in buildings where persons are employed at labor, and where persons congregate in large numbers, shall be inspected annually, and such regulations as may be by said committee deemed advisable, controlling the employment of engineers employed to run and control such engines.

Senator Bailey offered the following substitute for Senator Sellers's motion :

I move that the bill be recommitted with instructions to amend the same as follows :

In section 4, page 3, line 2, after the words "not over" strike out the word "ten" and insert in lieu thereof the word "twenty-five."

Also, on page 7, section 15, in line 2, after the words "charge of same," "portable threshing engines and boilers, engineers in charge of same, except as to permit provided for in section 4 of this act."

Pending the discussion of Senate Bill No. 1, the President of the Senate ordered a call of the roll of the Senate preparatory to the Senate repairing to the hall of the House of Representatives to meet the House in joint convention.

The roll was called and all the Senators were found to be present. Whereupon, they repaired to the hall of the House of Representatives at 12 o'clock noon.

The Senate and House of Representatives of the Fifty-fifth General Assembly of the State of Indiana met in joint convention in the hall of the House of Representatives pursuant to adjournment at 12 o'clock noon, February 2, 1887, for the purpose of electing a United States Senator to the Congress of the United States for the State of Indiana for the term of six years, commencing March 4, 1887.

The Hon. Alonzo G. Smith, President of the Senate, called the joint convention to order, and ordered the Secretary to call the roll of the Senate for the purpose of ascertaining whether all of the Senators were present.

The Secretary of the Senate then called the roll of the Senate pursuant to said order, and the following named Senators answered to their names, to-wit:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Campbell, Cox, Davis, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, French, Griffith, Hale, Harness, Howard of Decatur, Howard of St. Joseph, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Jennings, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Trippet, Urmston, Winter, Weir, and Zimmerman. Total, 50.

And thereupon the Speaker of the House of Representatives, the Hon. Warren G. Sayre, ordered the Clerk of the House of Representatives to call the roll of the House for the purpose of ascertaining whether all the members of said House were present, and upon said call the following members of the House of Representatives answered to their names, to-wit:

Representatives Ackman, Alexander, Askren, Barnard, Barnes, Beasley, Bertram, Blinks, Briant, Brown, Buckles, Buskirk, Carrick, Cates, Catey, Caven, Clarke, Commons, Conder, Conger, Connely, Covert, Cox of Cass and Miami, Cox of Miami, Cruson, Cushman, Custer, Darroch, Davis, Dickerson, Dunn, Fleece, Foley, Foster, Friend, Galbraith, Gardiner, Garrison, Glover, Gordon, Gough, Green, Griffiths, Grose, Groves, Harley, Harrell, Hobson, Howard, Ibach, Jewett, Kelley of Boone, Kelly of Lagrange, Kellison, Kercheval, Klein, Leighty, Linck, Little, Loop, McCallum, McCray, McMath, Mackey, Major, Metzger, Miller, Mock, Morse, Montgomery of Gibson, Montgomery of Owen, Niblack, Nolin, Osborn, Oursler, Parker, Patten, Pierce, Pleak, Pleasants, Reynolds, Roberts, Robinson, Schley, Scott, Selvey, Shambaugh, Shields, Sinclair, Stubblefield, Stull, Sunman, Thompson, Trout, Van Slyke, Weyand, White, Whitworth, Worrall, and Mr. Speaker. Total, 100.

All the members of the Senate and all the members of the House of Representatives having answered to their names upon the respective calls so ordered, the Speaker of the House of Representatives announced to the Joint Convention so assembled, that the first thing in order was the reading of the minutes of the Joint Convention held yesterday for the election of a United States Senator in the Congress of the United States from the State of Indiana.

Whereupon, Mr. Hobson, of the House of Representatives, moved that the reading of the proceedings of the Joint Convention aforesaid be dispensed with.

The said motion being seconded, the Speaker of the House of Representatives aforesaid put the question of dispensing with the reading of said minutes aforesaid to the Joint Convention, and a vote being taken, the Speaker announced that the motion of Mr. Hobson had prevailed, and declared that the reading of the proceedings of yesterday's Joint Convention was accordingly dispensed with.

The Speaker of the House of Representatives aforesaid then announced that it was in order to proceed to the election, by the Joint Convention so assembled, of a United States Senator in the Congress of the United States from the State of Indiana, for the term of six years, commencing on the 4th day of March, 1887.

The President of the Senate, the Hon. Alonzo G. Smith, thereupon directed a call of the roll of the Senate on the sixteenth ballot for United States Senator, and that as the name of each Senator was called he should arise in his place and announce the name of the person for whom he desired to vote for United States Senator in the Congress of the United States from the State of Indiana, as aforesaid.

Whereupon, the Secretary of the Senate called the roll of Senators, and the following Senators then and there, under the order aforesaid, voted for David Turpie as United States Senator in the Congress of the United States aforesaid, upon said call, to-wit:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure,



McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Jennings, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, and Zimmerman.

The total number of Senators voting for David Turpie was 32.

And the following Senators then and there, under the order aforesaid, voted for Benjamin Harrison, as United States Senator in the Congress of the United States from the State of Indiana aforesaid, upon such call, to-wit:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears, Thompson of Jasper, and Winter.

The total number of Senators voting for Benjamin Harrison was 18.

And thereupon, upon the completion of said call, the President of the Senate announced that the whole number of votes cast by Senators was 50, of which David Turpie received 32 votes, and Benjamin Harrison received 18 votes, and, thereupon, the Speaker of the House of Representatives, the Hon. Warren G. Sayre aforesaid, ordered that the roll of the members of the House of Representatives should be called on the sixteenth ballot for United States Senator to the Congress of the United States from the State of Indiana, and that each member of said House, as his name is called, should arise in his place and announce the name of the person for whom he desired to vote for United States Senator in the Congress of the United States aforesaid. Whereupon, the Clerk of the House of Representatives called the names of the members thereof, and upon said call and vote as aforesaid, in pursuance of said order, the following named members of the House of Representatives voted for David Turpie as United States Senator aforesaid, in the Congress of the United States, to wit:

Representatives Askren, Barnes, Beasley, Bertram, Blinks, Buskirk, Clarke, Connely, Cox of Cass and Miami, Cox of Miami, Cruson, Cushman, Custer, Darroch, Foley, Foster, Galbraith, Garrison, Gordon, Harrell, Ibach, Jewett, Kellison, Major, Metzger, Mock, Montgomery of Owen, Niblack, Parker, Patten, Pierce, Pleasants, Roberts, Robinson, Schley, Sel-

vey, Shambaugh, Shields, Stull, Sunman, Weyand, White, Whitworth and Worrall.

The whole number of votes cast for David Turpie was 44.

And the following named members of the House of Representatives, upon said call under said order aforesaid, voted for Benjamin Harrison, to-wit:

Representatives Ackman, Alexander, Barnard, Briant, Brown, Buckles, Carrick, Catey, Caven, Commons, Conder, Conger, Covert, Davis, Dickerson, Dunn, Fleece, Friend, Gardiner, Gough, Green, Griffiths, Grose, Groves, Harley, Hobson, Howard, Kelley of Boone, Kelly of Lagrange, Kercheval, Klein, Leighty, Linck, Little, Loop, McCallum, McCray, McMath, Miller, Morse, Montgomery of Gibson, Nolin, Osborn, Oursler, Pleak, Reynolds, Scott, Sinclair, Stubblefield, Thompson, Trout, Van Slyke and Mr. Speaker.

The total number of votes cast for Benjamin Harrison was 53.

And the following named members of the House of Representatives, upon said call, voted for Jason H. Allen, to-wit:

Representatives Cates, Glover and Mackey.

The total number voting for Jason H. Allen was three (3).

Upon the completion of said call, Messrs. Cates, Glover and Mackey, of the House of Representatives, who had voted for Jason H. Allen aforesaid, asked leave to change their votes, and, thereupon, Mr. Jewett, of the House of Representatives, objected, and raised the point of order that the members named could not lawfully change their votes as announced upon the call. Whereupon, the Speaker of the House of Representatives ruled that the said objection and point of order were not well taken. Thereupon, Messrs. Cates, Glover and Mackey changed their votes already given upon the call from Jason H. Allen and voted for Benjamin Harrison for United States Senator in the Congress of the United States aforesaid, making the total number of votes cast for said Harrison as United States Senator in Congress aforesaid, 56, as follows, to-wit:

Representatives Ackman, Alexander, Barnard, Briant, Brown, Buckles, Carrick, Cates, Catey, Caven, Commons, Conder, Conger, Covert, Davis, Dickerson, Dunn, Fleece, Friend, Gardiner,

Glover, Gough, Green, Griffiths, Grose, Groves, Harley, Hobson, Howard, Kelley of Boone, Kelly of Lagrange, Kercheval, Klein, Leighty, Linck, Little, Loop, McCallum, McCray, McMath, Mackey, Miller, Morse, Montgomery of Gibson, Nolin, Osborn, Oursler, Pleak, Reynolds, Scott, Sinclair, Stubblefield. Thompson, Trout, Van Slyke and Mr. Speaker.

Thereupon, the Speaker of the House of Representatives announced the vote of the members of the House of Representatives for United States Senator in Congress aforesaid as follows :

The whole number of votes cast, 100; of which Benjamin Harrison received 56 votes, and David Turpie received 44 votes for United States Senator in the Congress of the United States aforesaid.

And, thereupon, the Hon. Alonzo G. Smith, President of the Senate aforesaid, announced the vote of the joint convention as follows:

The whole number of votes cast by the members of this joint convention is 150; of which David Turpie has received 76 votes, and Benjamin Harrison has received 74 votes.

Necessary to a choice, 76 votes.

David Turpie having received a majority of all the votes cast, as presiding officer of this joint convention, I declare him duly elected a United States Senator in the Congress of the United States from the State of Indiana for the term of six years, commencing March 4, 1887.

And, thereupon, the following protests were filed, to-wit:

The undersigned, member of the House of Representatives from the county of Floyd, in the State of Indiana, does hereby protest and object to the calling of the name of Henry C. Dickerson as a member of the House of Representatives from the county of Vigo, in the State of Indiana, or as a member of this joint convention, on the ground and for the reason that said Dickerson was not duly elected by the qualified voters of the said county of Vigo, as a Representative from said county to the General Assembly of said State.

This protestant avers that one Cornelius Meagher was duly elected by the qualified voters of said Vigo County as a Representative from said county; that said Meagher is present and

should be called as a Representative of said Vigo County, and that if called he would vote and is ready to vote for David Turpie for Senator in the Congress of the United States from the State of Indiana upon this ballot; and that the said Henry C. Dickerson ought not to be called and ought not to vote upon this ballot of this joint convention, for the reason that the majority of the qualified voters of Vigo County, as aforesaid, did not cast their votes for the said Dickerson as Representative, at the election held on the 2d day of November last in said Vigo County, for Representative to this General Assembly, but that the majority of qualified electors of said Vigo County, voting at the election so holden, as aforesaid, did cast their votes for Cornelius Meagher for Representative to this General Assembly, who was at the time eligible and qualified to the office of Representative to this General Assembly, and was duly elected thereto a member thereof, at the election held as aforesaid. And the protestant further avers that he objects and protests against the name of Robert L. Mackey being called as a member of the House of Representatives of this General Assembly, or as a member of the joint convention, for the reason that the said Mackey was not at the time of his pretended election to this General Assembly, to-wit: on the 2d day of November last, eligible to or qualified for the office of Representative to this General Assembly, for the reason that he had not been for two years immediately prior thereto a resident of the legislative district composed of the counties of Knox, Gibson and Vanderburgh, in the State of Indiana, from which he pretends to have been elected. This protestant further avers that one John F. Pruitt was duly elected as Representative to this General Assembly from the legislative district composed of the three counties aforesaid, and was eligible to and qualified for the office of Representative to this General Assembly as aforesaid; that the said John F. Pruitt is present, and that his name ought to be called as a member of the House of Representatives and of this joint convention, and that if called he will and would vote for David Turpie for Senator in Congress of the United States, from the State of Indiana, on this ballot in this joint convention.

All of which is respectfully submitted.

CHARLES L. JEWETT.

HOUSE OF REPRESENTATIVES, }  
January 19, 1887.

MR. SPEAKER:

I, the undersigned, member of the House of Representatives, Fifty-fifth General Assembly of the State of Indiana, object and protest against the voting of John W. Linck, member of said House from the County of Jefferson, for United States Senator, for the reason, as I am informed and believe, said Linck at the election held in said Jefferson County, and through which he claims title to his seat, on November 2, 1886, used and procured to be used, in a corrupt and unlawful manner, money for the purpose of procuring the election of himself and others. The undersigned further represent that opponent of said Linck for a seat in this body, viz., James Hill, who received the next highest number of votes at said election, if allowed to take his seat in said House and vote, would vote for David Turpie, candidate for United States Senator.

Respectfully,

FRANK P. FOSTER.

We, the undersigned, members of the joint convention of the Fifty-fifth General Assembly of the State of Indiana for the election of a United States Senator for said State to the Congress of the United States, do hereby object to and protest against the receiving or counting the vote of either Frank Branaman, Isaiah B. McDonald or Alonzo G. Smith in said election in said joint convention, for the reason and upon the ground that neither one of said individuals is, under the Constitution or laws of the United States or the said State of Indiana, a member of the Senate of said General Assembly, or of the said joint convention.

HENRY U. JOHNSON,	A. M. KENNEDY,
MARK L. DEMOTTE,	W. J. DAVIS,
JOHN W. MACY,	NICHOLAS ENSLEY,
B. F. HARNESS,	JAMES N. HUSTON,
C. C. DUNCAN,	J. M. DRESSER,
J. S. DRAKE,	F. WINTER,
L. M. CAMPBELL,	GEO. MOON,
SIMON P. THOMPSON,	R. B. SEARS,
A. R. SHROYER,	ANDREW.
MARSHALL,	

Upon motion of Senator Bailey of Marion the joint convention then adjourned *sine die*.

The Senate returned to the Senate Chamber at 12:30 o'clock P. M.

Senator Trippet moved that when the Senate adjourn it adjourn until to-morrow morning at 10 o'clock.

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, DeMotte, Duncan of Brown, Griffith, Howard of Decatur, Howard of St. Joseph, Logsdon, Mullinix, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Marion, Trippet, Weir, Mr. President. Total, 25.

Those voting in the negative were:

Senators Campbell, Davis, Day, Dresser, Duncan of Tipton, Ensley, Hale, Harness, Johnson, Kennedy, Macy, McClure, McDonald, Moon, Peterson, Tharp, Urmston, Winter, Zimmerman. Total, 19.

The motion carried.

On motion of Senator Weir the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

## THURSDAY MORNING.

FEBRUARY 3, 1887.

The Senate met in regular session at 10 o'clock.

Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by Elder A. W. Bartlett, 7th Day Adventist, Indianapolis.

Senator Weir moved that the reading of the Journal be dispensed with, except that part relating to the proceedings of the Joint Convention of yesterday.

The President of the Senate directed that the part of the Journal relating to the proceedings of the Joint Convention of yesterday be read which was done.

Senator Huston moved to amend the Journal by inserting certain words used by the Speaker of the House in the Joint Convention of yesterday in the Journal.

Senator Sellers moved to reject the motion of Senator Huston.

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urms-ton, Zimmerman, Mr. President. Total, 31.

Those voting in the negative were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Thompson of Jasper, Winter, Weir. Total, 19.

So the motion carried.

Senator DeMotte made the following motion :

I move to strike out from the language used by the President of the Senate in making the announcement of the vote as appears in record of joint convention the words, "as presiding officer of the joint convention."

Senator Sellers moved the previous question.

The Senate seconded the demand for the previous question.

The question being, Shall the main question be now put?

The motion carried.

The question being on the adoption of the motion of Senator DeMotte.

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Thompson of Jasper, and Winter. Total, 17.

Those voting in the negative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman, and Mr. President. Total, 32.

So the motion was lost.

Senator Johnson presented a protest against certain Senators voting for United States Senator in the joint convention of yesterday, which was ordered spread of record on the journal of yesterday.

Senator Sellers moved that after Senator Johnson's protest was placed in yesterday's journal in its order, that the journal be approved as read.

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman, Mr. President. Total, 32.



Those voting in the negative were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears, Thompson of Jasper. Total, 17.

So the journal was approved.

Senator Johnson introduced a communication from the citizens of Centerville, Wayne County, Indiana, in regard to the effects of alcoholic liquor on the human system.

Referred to Committee on Education without reading.

Senator Bailey offered a communication from the Knights of Labor asking that certain changes be made in regard to the management and control of the Deaf and Dumb Institute, and that the appointments of its officers be of a non-partisan character.

Accompanying the communication was the following motion made by Senator Bailey :

MR. PRESIDENT :

I move that the communication be referred to the Committee on Benevolent Institutions, with instructions to consider the matter therein contained, and, if deemed expedient, to report a bill to the Senate intended to remedy the evils and defects of law therein sought to be remedied.

BAILBY.

Communication, with motion, was referred to the Committee on Benevolent Institutions.

Senator Barrett offered a communication from the citizens of Allen County in regard to the regulation and sale of drugs, medicines and poisons.

Also a communication from the Druggists' Association, of Fort Wayne, Allen County, Indiana, on the same subject.

Referred to Committee on Public Health, without reading.

Senator Berry presented a petition from the citizens of Pike County, Indiana, asking that a law be enacted requiring that physiology and hygiene be taught in the public schools, with especial reference to the effect of alcoholic drinks on the human system.

Referred to Committee on Education.

Senator Harness presented a petition from citizens of Howard County, praying your honorable body to enact a law requiring in all public schools instructions in physiology and hygiene, with special reference to the nature of alcoholic drinks and narcotics and their effects upon the human system.

Referred to Committee on Education.

Senator Thompson of Jasper presented a petition from citizens of Benton County praying the Senate to enact a law requiring in all public schools instruction in physiology and hygiene, with special reference to the nature of alcoholic drinks and narcotics, and their effect upon the human system.

Referred to Committee on Education.

Senator F. M. Howard presented a petition from citizens of Decatur County praying the Senate to enact a law requiring in all public schools instruction in physiology and hygiene, with special reference to the nature of alcoholic drinks and narcotics, and their effect upon the human system.

Read and referred to Committee on Education.

Senator Thompson of Marion presented a petition from 27 citizens of Brightwood, Indiana, asking the enactment of a law prescribing that the hygienic effect of alcoholic drinks, etc., on the human system be taught in our schools.

Which was referred to the Committee on Education without reading.

Senator Macy presented a petition from the citizens of Delaware County, asking the enactment of a law requiring that physiology and hygiene be taught in the public schools, with reference to the effect of alcoholic drinks and narcotics on the human system.

Read and referred to Committee on Education without reading.

Senator Urmston presented a petition from A. R. Beach and thirty-six other citizens of Napoleon, Ripley County, asking the enactment of a law prescribing that the hygienic effects of alcoholic drinks, etc., on the human system be taught in our schools.

Which was referred to the Committee on Education without reading.

Senator McDonald presented a petition from the citizens of Whitley County asking that a law be enacted requiring that physiology and hygiene be taught with a special reference to the effect of alcoholic drinks and narcotics on the human system.

Referred to Committee on Education without reading.

Senator Weir presented a communication from the citizens of Laporte County in regard to instructions in physiology and hygiene in public schools, on subject of the effect of alcoholic drinks and narcotics on the human system.

Referred to Committee on Education without reading.

Senator Zimmerman presented a petition from citizens of Fulton County praying the Senate to enact a law requiring in all public schools, instruction in physiology and hygiene, with special reference to the nature of alcoholic drinks and narcotics, and their effects upon the human system.

Referred to Committee on Education.

Senator Kennedy presented a petition from citizens of Rush County praying the Senate to enact a law requiring in all schools, supported by public money or under State control, instructions in physiology and hygiene, with special reference to the nature of alcoholic drinks and narcotics and their effects upon the human system.

Referred to Committee on Education.

Senator Rahm presented a petition favoring the repeal of the "intimidation law."

Referred to Committee on Labor.

Senator Rahm presented a communication from A. A. Swope asking that the present gravel road law be not changed or amended during the session of the present General Assembly.

Also from Geo. W. Moore on the same subject.

Referred to Committee on Labor.

Senator Rahm presented a petition signed by a number of interested parties asking that the bill "providing for the inspection of steam boilers, the appointment of a State Boiler Inspector, the licensing of engineers in charge of steam boilers, and the creation of a Board of Engineers," be passed.

Referred to Committee on Labor.

Senator Day presented a petition from citizens of Washington County praying the Senate to enact a law requiring in all public schools instructions in physiology and hygiene, with special reference to the nature of alcoholic drinks and narcotics and their effects upon the human system.

Signed by 107 voters and 152 women.

Referred to Committee on Education.

Senator Ensley presented a petition from the citizens of DeKalb County asking that a law be enacted requiring that physiology and hygiene be taught in the public schools, with especial reference to the effects of alcoholic drinks and narcotics on the human system.

Referred to Committee on Education without reading.

Also, a petition from 107 voters of Noble County asking that a law be enacted requiring that physiology and hygiene be taught in the public schools, with especial reference to the effect of alcoholic drinks and narcotics on the human system.

Referred to Committee on Education without reading.

Senator Duncan of Brown presented a petition from the citizens of Hamilton County asking that a law be enacted with especial reference to the teaching of physiology and hygiene in the public schools in reference to the effect of alcoholic drinks and narcotics on the human system.

Referred to Committee on Education.

Senator Duncan of Tipton presented a petition from the citizens of Hamilton County asking that physiology and hygiene be taught in the public schools, with especial reference to the effect of alcoholic drinks and narcotics on the human system.

Referred to the Committee on Education without reading.

Senator Cox presented a petition from citizens of Johnson and Morgan counties praying the Senate to enact a law requiring in all public schools instruction in physiology and hygiene, with special reference to the nature of alcoholic drinks and narcotics and their effects upon the human system.

Referred to Committee on Education.

Senator Drake presented a petition from the citizens of Steuben County asking that a law be enacted requiring that physiology and hygiene be taught in the public schools, with especial reference to the effect of alcoholic drinks and narcotics on the human system.

Referred to the Committee on Education.

Also, a petition from the citizens of Lagrange County asking that a law be enacted requiring that physiology and hygiene be taught in the public schools, with especial reference to the effect of alcoholic drinks and narcotics on the human system.

Referred to the Committee on Education without reading.

Senator Berry presented a petition from citizens of Pike County on same subject.

Referred to the Committee on Education.

Senator Sellers presented a petition from citizens of Carroll County on the same subject.

Referred to the Committee on Education.

Senator French presented a petition from citizens of Posey County on the same subject.

Referred to the same committee.

Senator Howard of St. Joseph presented a petition from citizens of St. Joseph County on the same subject.

Referred to the same committee.

Senator Weir presented a petition from the citizens of Marshall County asking that a law be enacted requiring that physiology and hygiene be taught in the public schools, with especial reference to the effect of alcoholic drinks and narcotics on the human system.

Referred without reading to the Committee on Education.

Also, a petition from the citizens of Clinton County on the same subject.

Referred to the Committee on Education.

Also, a petition presented by Senator W. C. Duncan, from the citizens of Monroe County, on the same subject.

Referred to the Committee on Education without reading.

Also, a petition presented by Senator Moon, from the citizens of Kosciusko County, on the same subject.

Referred to the same committee.

Senator Davis presented a petition from the citizens of Elkhart County on same subject, and was referred to same committee.

Senator Berry presented a petition from the citizens of Vincennes, Knox County, on same subject, and was referred to same committee.

Senator Logsdon presented a petition from citizens of Spencer County on same subject, and was referred to same committee.

Senator Thompson of Jasper, presented a petition asking for the passage of Senate Bill No. 77.

Referred to Committee on Swamp Lands.

Senator Rahm offered a petition from the citizens of Vanderburgh County asking that a law be enacted requiring that physiology and hygiene be taught with reference to the effect of alcoholic drinks and narcotics on the human system.

Referred to Committee on Education without reading.

Senator Sears presented a petition from citizens of Vermilion County praying the Senate to enact a law requiring in all public schools instruction in physiology and hygiene, with special reference to the nature of alcoholic drinks and narcotics and their effects upon the human system.

Referred to Committee on Education.

Senator Sellers presented petitions from 147 voters and 96 women of Carroll County praying the Legislature to enact a law requiring in all public schools instruction in physiology and hygiene, with special reference to the nature of alcoholic drinks, opium, etc., and their effects on the human system.

Which was referred to the Committee on Education without reading.

Senator Shively presented a petition from citizens of Madison County praying the Senate to enact a law requiring in all schools, supported by public money or under State control, that instruction in physiology and hygiene with special reference to the nature of alcoholic drinks and narcotics and their effects upon the human system.

Referred to Committee on Education.

Senator Fowler presented a petition from citizens of Clay County praying your honorable body to enact a law requiring in all public schools, instruction in physiology and hygiene, with special reference to the nature of alcoholic drinks and narcotics, and their effects upon the human system.

Referred to Committee on Education.

Senator Thompson of Jasper, presented a petition from Emmet Kannal, Frank B. Myers, and 139 others, for the passage of Senate Bill No. 89, or Pharmacy Bill.

Referred to Committee on Public Health.

Senator French, from the Committee on Finance, offered the following report on Senate Bill No. 75 :

MR. PRESIDENT :

Your Committee on Finance, to whom was referred Senate Bill No. 75, have had the same under consideration, and beg

leave to report with the recommendation that the same be amended as follows, to-wit:

SECTION 2. Whereas, an emergency exists for the immediate taking effect of this act, the same shall be in force from and after its passage, and when said bill be so amended that the same do pass.

J. W. FRENCH,  
Chairman.

Senator French, from the Committee on Finance, made the following report on Senate Bill No. 148:

MR. PRESIDENT:

Your committee to whom was referred Senate Bill No. 148, have had the same under consideration, and beg leave to report with recommendation that the same be indefinitely postponed.

J. W. FRENCH,  
Chairman.

Senator Johnson asked leave of absence for the rest of the forenoon session.

Granted.

Senator Thompson of Jasper moved that the Senate adjourn.

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Dresser, Harness, Johnson, Kennedy, Marshall, Shroyer and Sears. Total, 8.

Those voting in the negative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman and Mr. President. Total, 30.

The motion was lost.

Senator Bailey moved that Senate Bill No. 1 be referred to the Committee on Labor and Labor Statistics.

Motion carried.



Senator —— moved that the Senate adjourn.

The ayes and noes being demanded and taken resulted as follows:

Those voting in the affirmative were:

Senators Dresser, Duncan of Tipton, Harness, Johnson, Kennedy, Marshall, Shroyer, Sears, Thompson of Jasper, and Weir. Total, 10.

Those voting in the negative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman and Mr. President. Total, 30.

So the motion was lost.

Senator Trippet, from Committee on Organization of Courts, presented the following report:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 168, have considered the same and recommend that it do pass.

Senator Cox presented the following report from the Committee on Insurance:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 205, have given same due consideration and recommend that it do pass.

Senator Thompson of Jasper asked leave of absence for the rest of the day.

Granted.

Senator Sellers, from the Committee on Judiciary, made the following report on House Bill No. 143:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred House Bill No. 143, introduced by S. B. A. Conder, having had the

same under consideration, begs leave to submit the following report:

Your committee unanimously recommends that said bill do pass.

Also, on Senate Bill No. 101:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 101, introduced by Senator Johnson, having had the same under consideration, begs leave to make the following report:

Your committee recommends that said bill be indefinitely postponed.

Also, the following report on Senate Bill No. 109:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 109, introduced by Senator Barrett, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be indefinitely postponed.

Also, on Senate Bill No. 180:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 180, introduced by Senator Johnson, having had the same under consideration, begs leave to submit the following report:

Your committee unanimously recommends that said bill do pass.

Also, on Senate Bill No. 195:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 195, introduced by Senator Johnson, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be indefinitely postponed.

Senator Peterson, from the Committee on Roads, made the following reports (one) on Senate Bill No. 181 :

MR. PRESIDENT :

Your committee to whom was referred Senate Bill No. 181, beg leave to report that they have had the same under consideration, and recommend that the bill do pass.

Also, the following report on Senate Bill No. 46 :

MR. PRESIDENT :

Your Committee on Roads, to whom was referred Senate Bill No. 46, have had the same under consideration and recommend that the bill be indefinitely postponed.

Also,

MR. PRESIDENT :

Your Committee on Roads, to whom was referred Senate Bill No. 99, beg leave to report that they have had the same under consideration, and recommend that the same do pass.

Also,

MR. PRESIDENT :

Your Committee on Roads, to whom was referred Senate Bill No. 23, beg leave to report that they have had the same under consideration, and recommend that the same do pass.

Senator Rahm, from the Committee on Benevolent Institutions, made the following report on Senate Bill No. 193 :

MR. PRESIDENT :

The Committee on Benevolent Institutions, to whom was referred Senate Bill No. 193, introduced by Senator Day, beg leave to report that they have had the same under consideration, and have ordered me to report the same back, with a recommendation that the bill be indefinitely postponed, as it exempts the distinguished Senator from Marion (Bailey) from the provisions of the bill.

Also, the following report on Senate Bill No. 141 :

MR. PRESIDENT :

Your committee, to whom was referred Senate Bill No. 141, introduced by Senator Shroyer, was taken into consideration, and direct me to report the same back to the Senate, with a recommendation that it do pass.

Senator Howard of Decatur moved that the Senate adjourn.

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Campbell, Cox, Davis, Drake, Duncan of Tipton, Ensley, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Huston, Kennedy, Logsdon, Moon, Mullinix, Peterson, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Marion, Trippet, Urmston, Winter, Weir, Zimmerman and Mr. President. Total, 35.

Those voting in the negative were:

Senators Day, DeMotte, Duncan of Brown, Harness, Macy, Marshall, McClure, McDonald and Rahm. Total, 11.

So the motion to adjourn carried.

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## AFTERNOON SESSION.

FEBRUARY 3, 1887.

The Senate met pursuant to adjournment at 2 o'clock.

Hon. A. G. Smith, President of the Senate, in the chair.

Senator Schloss, from the Committee on Mileage, made the following majority report:

MR. PRESIDENT:

Your Committee on mileage would respectfully report that Senator Branaman is entitled to 144 miles as mileage, \$28.80, and therefore recommend that the amount be allowed.

FEBRUARY 1, 1887.

Senator Winter, from the Committee on Mileage, made the following minority report:

MR. PRESIDENT:

The undersigned, a minority of the Committee on Mileage, respectfully dissent from the report of the majority of the

committee allowing mileage to Frank Branaman as a Senator, for the reason that in his opinion said Branaman is not a member of the Senate, and he therefore recommends that no mileage be allowed to said Branaman.

F. WINTER.

FEBRUARY 1, 1887.

Senator Schloss moved that the majority report be concurred in.

The motion carried.

Senator Duncan of Brown presented a memorial from the members of the bar of the State asking that an index of the cases decided by the Supreme Court be prepared, and a room in the State House be prepared for a place to keep them.

Accompanying the memorial was the following motion, made by Senator Duncan of Brown:

MR. PRESIDENT:

I move that the accompanying memorial be referred to a committee of three to act with a like committee on the part of the House and to report the facts to the Senate with such recommendation as they deem best.

W. C. DUNCAN of Brown.

Motion adopted and a committee of three, consisting of Duncan of Brown, Branaman, Drake, was appointed.

Senator Huston presented a petition asking the repeal of the fifth section of an act entitled an act concerning liens of mechanics, laborers and material men, in force March 6, 1883.

Referred to Committee on Judiciary without reading.

Also, a petition from the County Board of Education of Rush County, in regard to the proper management and control of the common schools.

Referred to Committee on Education without reading.

Senator Kennedy presented a petition from Knights of Labor of Rushville requesting that a law be passed against the appointment of others than qualified voters of the county in which they are to serve as deputy sheriff, with six reasons stated.

Referred to Committee on Labor.

Senator Andrew, from the Committee on Temperance, offered the following report on Senate Bill No. 50:

MR. PRESIDENT:

Your Committee on Temperance, to whom was referred Senate Bill No. 50, beg leave to report that they have had the same under consideration and that they recommend that the same be indefinitely postponed.

Senator Shively, from the Committee on Federal Relations, offered the following report on Senate Bill No. 120:

MR. PRESIDENT:

The Committee on Federal Relations, to whom was referred Senate Bill No. 120, introduced by Senator Macy, have had the same under consideration and a majority of said committee have directed me to report the same back and recommend that it do pass.

Senator McClure, from the Committee on Federal Relations, made the following report on Joint Resolution No. 4:

MR. PRESIDENT:

Your Committee on Federal Relations, to whom was referred Joint Resolution No. 4, have had the same under consideration and have directed me to report it to the Senate with a recommendation that it do pass.

Senator McClure offered the following report:

MR. PRESIDENT:

Your Committee on Federal Relations, to whom was referred Concurrent Resolution No. 9, have had the same under consideration and have directed me to report it back to the Senate, and recommend that it do pass.

Senator Schloss presented the following report :

MR. PRESIDENT :

Your committee to whom was referred Senate Bill No. 136, has had the same under consideration, and make the following amendment: That part referring to the Attorney General beginning with the word "and" after the word "extended" to the close of section one. When it is so amended, we recommend that it do pass.

Senator Bryant, Chairman of the Committee on County and Township Business, presented the following report :

MR. PRESIDENT :

Your Committee on County and Township Business, to whom was referred Senate Bill No. 67, beg leave to report that they have had the same under consideration, and the majority of said committee recommend that the bill be amended as follows, viz.: In line 17, page 1, by striking out the words twenty-five and inserting in lieu thereof the word eighteen, and in all other places in said bill where the words twenty-five appear, that the word eighteen be inserted in lieu thereof, and that the bill so amended do pass.

[Signed,]

D. C. BRYANT, Chairman.

J. H. C. SMITH,

J. M. ANDREW,

S. E. URMSTON.

Senator Thompson of Jasper, from the Committee on County and Township Business, presented the following minority report on Senate Bill No. 67 :

MR. PRESIDENT :

The undersigned, a minority of the Committee on County and Township Business, report on Senate Bill No. 67, being unable to indorse the report of the majority, beg leave to recommend that Senate Bill No. 67, do lie upon the table until such time as the Committee on Fees and Salaries report a general fee and salary bill, providing compensation to that class of officers named in said bill.

SIMON P. THOMPSON,

JAMES N. HUSTON.

Senator Cox, from the Committee on Insurance, offered the following report on Senate Bill No. 125 :

MR. PRESIDENT :

Your committee, to whom was referred Senate Bill No. 125, introduced by Senator Davis, after due consideration direct me to report that it be indefinitely postponed.

Senator Mullinix presented the following report :

MR. PRESIDENT :

Your Committee on Mines and Mining, to whom was referred Senate Bill No. 118, have had the same under consideration, and the majority of said committee recommend that the bill do pass.

Senator Weir was granted leave of absence for the rest of the day.

Senator Hale, from the Committee on the Inspection and Supervision of the Journal, made the following report :

MR. PRESIDENT :

Your Committee on the Inspection and Supervision of the Journal of the Senate, beg leave to report that they have examined said Journal from January 28th to February 2, inclusive, and find the same correct.

S. W. HALE,  
Chairman.

Senator Thompson, from the Committee on Cities and Towns, made the following report on Senate Bill No. 189 :

MR. PRESIDENT :

Your Committee on Cities and Towns, to whom was referred Senate Bill No. 189, introduced by Senator Macy, having had the same under consideration, report said bill back to the Senate with the recommendation that it do pass.

W. C. THOMPSON,  
Chairman.

Senator Thompson of Marion asked that Senate Bill No. 127 be returned to the Committee on Cities.

So ordered.



Senator Sellers, from the Committee on Judiciary, made the following report on Senate Bill No. 145:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 145, begs leave to submit the following report:

Having fully considered said bill, your committee recommend that all of said bill following the enacting clause be stricken out, and the following inserted in lieu thereof, to-wit:

That any person or persons having or claiming to have a money demand against the State of Indiana arising out of contract, expressed or implied, may bring suit against the State therefor in the Superior Court of Marion County, Indiana, by filing a complaint with the Clerk of said court and procuring a summons, to be issued by said Clerk; which summons shall be served upon the Attorney General of Indiana thirty days before the return day of the summons, and jurisdiction is hereby conferred upon said Superior Court of Marion County, Indiana, to hear and determine such actions, and said court shall be governed by the laws, rules and regulations which govern said Superior Court in civil actions in the making up of issues, trial and determination of said causes, except that the same shall be tried by all the judges of said court sitting together without a jury.

SEC. 2. This act shall not authorize any person to bring suit against the State of Indiana upon any bond issued by the State at any time or for any purpose.

SEC. 3. All actions which may hereafter be brought against the State of Indiana shall be subject to the statutes of limitation in force in this State.

SEC. 4. It shall be the duty of the Attorney General of the State, in person, or by deputy, to defend and represent the interest of the State in said Superior Court of Marion County, Indiana, and also in the Supreme Court on appeal.

SEC. 5. In all such actions either party may appeal directly to the Supreme Court under the same rules, regulations and restrictions which govern in cases of appeals from the circuit courts of this State to the Supreme Court of the State in civil causes, except that the State may appeal without bond.

SEC. 6. Whenever, by the final decree or judgment of said Superior Court of Marion County, Indiana, or the Supreme Court, a sum of money is adjudged to be due any person from the State of Indiana, no execution shall issue thereon, but said judgment shall draw interest at the rate of 6 per cent. per annum from the date of the adjournment of the next ensuing session of the General Assembly until an appropriation shall have been made by law for the payment of the same, and said judgment paid.

SEC. 7. Whenever, in the opinion of the Governor, the interests of the State require it, he may employ counsel to assist the Attorney General in the defense of any suit brought against the State, and may pay such counsel out of any funds at his disposal appropriated for that purpose.

SEC. 9. Whereas, an emergency exists for the immediate taking effect of this act, it shall be in force from and after its passage.

Your committee further recommends that the title to said bill be stricken out and the following adopted, to-wit:

An act authorizing persons having claims against the State of Indiana to bring suit therefor in the Superior Court of Marion County, Indiana, against the State of Indiana, and declaring an emergency, and that, when the same is so amended, that the same be passed.

SELLERS,  
Chairman.

Senator Zimmerman, from the Committee on Banks, made the following report:

MR. PRESIDENT:

Your Committee on Banks, having had under consideration Senate Bill No. 56, recommend the following bill as a substitute for said bill:

An act to regulate the business of banking under the laws of this State.

Senator Zimmerman offered the following substitute for Senate Bill No. 56, entitled:

An act to regulate the business of banking under the laws of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That every person, partnership or corporation, now engaged or that may hereafter engage in the business of banking under the laws of this State, by receiving money on deposit, buying and selling bills of exchange or promissory notes, or discounting the same or buying gold or silver coin, bullion or current moneys, bonds, stocks or other securities, shall be deemed a banker and subject to the provisions of this act.

SEC. 2. If any person or any member of any partnership or corporation engaged in banking under the laws of this State, or any officer or agent thereof, shall take or receive any deposit into the bank of any such person, partnership or corporation from any person or persons whomsoever, when said person, partnership or corporation shall be in failing circumstances, insolvent, or in contemplation of insolvency, or if any person or member of any partnership or corporation engaged in banking in this State, shall draw any check, draft or bill of exchange upon any person, member of any firm or corporation engaged in banking either within or without of this State, without providing for the payment of the same, every person so offending shall be deemed a felon and upon conviction thereof shall be fined in any sum not exceeding double the amount of deposit so received, and be imprisoned in one of the State Prisons at hard labor, not less than two nor more than fourteen years and disfranchised for any determined period.

Senator Bailey, from the Committee on Labor and Labor Statistics, made the following report on Senate Bill No. 174:

MR. PRESIDENT:

A majority of your Committee on Labor and Labor Statistics, having under consideration Senate Bill No. 174, would respectfully refer said bill back to this Senate with the recommendation that said bill do pass.

Also, on Senate Bill No. 172:

MR. PRESIDENT:

Your Committee on Labor and Labor Statistics, having under consideration Senate Bill No. 172, would respectfully say that they have had the same under consideration, and recommend that the same do pass.

Also, on Senate Bill No. 173, as follows :

**MR. PRESIDENT :**

Your Committee on Labor and Labor Statistics, having under consideration Senate Bill No. 173, would respectfully report the same back to this Senate with the recommendation that it do pass.

Respectfully submitted,

LEON O. BAILEY,  
Chairman.

Also, on Senate Bill No. 169 :

**MR. PRESIDENT :**

Your Committee on Labor and Labor Statistics, having under consideration Senate Bill No. 169, have the honor to report the same back to this Senate with the recommendation that it do pass.

Senator Bailey made the following report from the Committee on Elections :

**MR. PRESIDENT :**

Your Committee on Elections, having had Bill No. 27, introduced by Senator Macy, under consideration beg to recommend that the same do pass.

Also on Senate Bill No. 157, as follows :

**MR. PRESIDENT :**

Your Committee on Labor and Labor Statistics, to whom was referred Senate Bill No. 157, respectfully report that they have had the same under consideration, and recommend the following amendments :

On page 1, section 1, line 2, strike out the word "three," the same being the last word of said line, and insert in lieu thereof the word "one"; also, in line 5 of section 1, strike out the words "not exceeding one hundred and sixty acres"; also, in line 6 of said section, beginning with the words "and not included," strike out all following up to and including the words "city or village," in line 10 of said section; also, on page 2, in section 5, line 1, after the words "liable for," insert the words "assessments and"; also, strike out all of section 18, beginning

on page 6 and ending on page 7, and insert in lieu thereof the following: Section 18. In addition to the exemption of homestead property as provided for in this act, an amount of personal property not exceeding in value six hundred dollars, owned by any resident house-holder or the head of a family residing in this State, shall not be liable to sale on execution or any other final process from any court for any debt growing out of or founded upon a contract, express or implied, after the taking effect of this act. Such property may be selected and set aside by the debtor, his wife, agent or legal representative, and the same shall be appraised in the manner and form as now provided by law. All moneys arising from the insurance of any homestead or personal property exempted from sale on execution by this act, when such property or homestead has been destroyed by fire or otherwise, shall be exempted from execution the same as the property on which the insurance was had was exempt.

And your committee recommends that when said bill be amended as indicated by this report, that the same do pass.

Respectfully submitted,

LEON O. BAILEY,  
Chairman.

Senator Dresser called for the special order, which was the consideration of the minority report in the Branaman vs. McDonald election contest case.

Senator Bailey moved that the consideration of the minority report in the Branaman vs. McDonald election contest case be postponed until next Thursday afternoon at 2 o'clock.

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Bryant, Cox, Griffith, Howard of Decatur, Logsdon, McClure, Mullinix, Rahm, Schloss, Sellers, Thompson of Marion, Trippet, Zimmerman. Total, 16.

Those voting in the negative were:

Senators Berry, Branaman, Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler,

French, Harness, Howard of St. Joseph, Huston, Johnson, Kennedy, Macy, Marshall, McDonald, Moon, Peterson, Shroyer, Sears, Shively, Smith of Wells, Thompson of Jasper, Tharp, Winter. Total, 27.

Motion lost.

Senator Sellers raised the point of order that the minority report and resolutions on the Branaman *vs.* McDonald election contest case were out of order, because they were not filed until after the majority report was acted upon by the Senate.

The Chair ruled that the resolutions accompanying the minority report were out of order, and that the point of order was well taken.

Senator Winter appealed from the decision of the Chair.

The question being, Shall the decision of the Chair stand as the judgment of the Senate?

The ayes and noes were ordered and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman. Total, 30.

Those voting in the negative were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears, Thompson of Jasper, Winter. Total, 18.

So the chair was sustained.

Senator French asked for an indefinite leave of absence for Senator Rahm, and stated that he was paired with Senator Dresser for the remainder of the session.

The leave of absence was granted.

The regular order being Senate bills on third reading.

Senate Bill No. 2 was taken up.

Senator Sellers moved that the Senate adjourn.

The motion was lost.

Senate Bill No. 2 was read a third time.

Senator DeMotte made the following motion :

MR. PRESIDENT :

I move that Senate Bill No. 2 be referred to a committee of one with instructions to report House Bill No. 14, as a substitute therefor.

The following is a copy of House Bill No. 14 :

#### HOUSE BILL No. 14.

A bill for an act requiring corporations, companies, associations, firms and persons engaged in mining or manufacturing in this State to pay their employes in lawful money of the United States, regulating the sale of merchandise and supplies by employer to employe, and providing penalties for violation.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That every corporation, association, company, firm or person engaged in this State in mining coal, ore or other mineral, or quarrying stone, or in manufacturing iron, steel, lumber, lumber staves, heading barrels, brick, tile, machinery, agricultural or mechanical implements or any article of merchandise, shall pay each employe of such corporation, company, association, firm or person, if demanded, at least once every two weeks the amount due such employe for labor, and such payment shall be in lawful money of the United States, and any contract to the contrary shall be void.

SEC. 2. That any person, copartnership, corporation or association, or any member, agent or employe thereof, who shall publish, issue or circulate any check, card or other paper which is not commercial paper payable at a fixed time in any bank in this State at its full face value in lawful money of the United States, with eight per cent. interest, or by bank check or currency issued by authority of the United States Government, to any employe of such person, copartnership, corporation or association in payment for any work or labor done by such employe,

or in payment for any labor contracted to be done by such employe, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not more than one hundred dollars.

SEC. 3. It shall be unlawful for any corporation, company, association, firm or person described in section 1 of this act, or the officers and agents of such, to sell, directly or indirectly, to any employe of such corporation, association, firm or person, any merchandise or supplies at a higher price than such merchandise or supplies are sold by such corporation, company, association, firm or person to others for cash.

SEC. 4. Every corporation, company, association, firm or person who shall fail for ten days after demand of payment has been made to pay employes for their labor in conformity with the provisions of this act, shall be liable to such employe for the full value of his labor, to which shall be added a penalty of one dollar for each succeeding day, and a reasonable attorney's fee, to be recovered in a civil action and collectible without relief.

SEC. 5. Every corporation or person who knowingly and willfully violates any of the provisions of section three (3) of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than five nor more than one hundred dollars.

SEC. 6. This act shall not in any way affect the liens of laborers as now secured to them by the laws of this State.

Senator Winter offered the following amendment to Senator DeMotte's motion:

MR. PRESIDENT:

I move that Senate Bill No. 2 be referred to a special committee of three, with instructions to amend as follows: Insert in line 11, in section 3, after the word "money," the words, "the liens of mechanics and material men." Insert in line 11 of section 4, after the word "money," the words, "the liens of mechanics and material men." Strike out of line 10, section 3, the words, "mortgages made," and insert in lieu thereof the words, "liens by mortgage, or otherwise, on the property sold." Strike out of line 1 of section 3, the words, "manual or mechanical." Add to section 3 the words, "but no suit to enforce such lien shall be brought after the expiration of six months from the time the work and labor was performed."



Senator Winter's amendment to Senator DeMotte's motion was adopted.

The President of the Senate appointed Senators Winter, Bailey and Barrett as said special committee.

On motion of Senator Shively the Senate adjourned.

## FRIDAY MORNING.

FEBRUARY 4, 1887.

The Senate met in regular session at 10 o'clock A. M., Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by the Rev. John Baltzly of the Lutheran Church, Indianapolis.

The reading of the journal was being proceeded with, when, on motion of Senator Schloss, its further reading was dispensed with.

A communication was received and read from G. H. Thomas Post, G. A. R., as follows:

INDIANAPOLIS, IND., February 3, 1887.

*To the President and Members of the Senate of the General Assembly of Indiana:*

GENTLEMEN—You are most cordially invited to attend a lecture and musical entertainment, to be given under the auspices of Geo. H. Thomas Post, No. 17, Grand Army of the Republic, at Tomlinson Hall, in this city, on Wednesday evening, Feb. 9, 1887.

The lecture will be by Rev. Alexander Blackburn, Post Department Chaplain of Indiana.

Subject: "Geo. H. Thomas and the Army of the Cumberland."

Yours respectfully,

I. N. WALKER,

Post Commander of Geo. H. Thomas Post.

On motion of Senator McDonald, the invitation was accepted.

Senator Drake asked leave of absence for Senator Campbell.  
Granted.

The following report was received from the special committee appointed to investigate the validity of the title to the real estate on which the Soldiers' and Sailors' Orphans' Home is situated.

**MR. PRESIDENT:**

Your special committee, appointed to investigate the validity of the title to the real estate on which the Soldiers' and Sailors' Orphans' Home, near the town of Knightstown, in the county of Rush, as well as the contract with the contractors to rebuild the said Home, as well as the plans and specifications, beg leave to report that after a very careful investigation of the whole matter find :

*First.* That the title to the said real estate to said Home is good in law and equity to the State of Indiana ; and,

*Second.* That the contract with contractors is in all things legal, and in the best interest of State and to said Home.

Which is very respectfully submitted.

ISAIAH B. McDONALD,  
JAMES N. HUSTON,  
H. M. LOGSDON,  
Committee.

Senator Trippet moved that the consideration of Senate Bill No. 10 be made a special order for next Thursday morning at 10 o'clock.

The motion carried.

Senator Duncan of Brown moved that Senate Bill No. 99 be made a special order for next Tuesday morning at 10 o'clock.

The motion carried.

Senator Thompson of Jasper moved that Senate Bill No. 77 be made a special order for next Monday morning at 10 o'clock.

The motion carried.

On motion of Senator Weir, Senate Bill No. six (6) was taken up.

Senator Barrett withdrew his amendment to the bill, which he offered on the 20th ultimo.

Senator Howard of St. Joseph offered amendment No. 2, as follows:

MR. PRESIDENT:

I move to amend Senate Bill No. 6 by striking out section 22.  
The amendment was lost.

Senator Harness offered the following amendments to Senate Bill No. 6:

MR. PRESIDENT:

I move to amend Senate Bill No. 6, section 2, line 7, by inserting the word "Union" before the word "soldier."

Adopted.

Also, to strike out the word "fifteen" in line 2 of section 4 and insert in lieu thereof the word "twelve."

The ayes and noes were demanded and taken and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Branaman, Bryant, Cox, Duncan of Brown, Fowler, Griffith, Hale, Harness, Howard of Decatur, Logsdon, McClure, Shively, Smith of Wells, Thompson of Marion, Tharp, Weir, Zimmerman. Total, 18.

Those voting in the negative were:

Senators Barrett, Berry, Davis, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, French, Howard of St. Joseph, Huston, Johnson, Kennedy, Macy, Marshall, McDonald, Moou, Peterson, Schloss, Shroyer, Sears, Sellers, Thompson of Jasper, Trippet, Urmston, Winter, Mr. President. Total, 28.

So the amendment was lost.

Also, section 9, line 5, insert the word "union" after the word "deceased."

Adopted.

Senator DeMotte offered the following amendment to Senate Bill No. 6 :

**MR. PRESIDENT:**

I move to strike out from line 4, in section 9, the word "sixteen" and insert in lieu thereof the word "eighteen."

Amendment lost.

Senator Weir moved that the constitutional rule be suspended, that the bill be considered engrossed, read a third time and put upon its passage.

The ayes and noes being ordered and taken, resulted as follows:

Those voting in the affirmative were :

Senators Andrew, Berry, Branaman, Cox, Davis, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, Harness, Howard of St. Joseph, Huston, Kennedy, Macy, Marshall, McClure, McDonald, Moon, Peterson, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Urmston, Winter, Weir, Zimmerman and Mr. President. Total, 37.

Those voting in the negative were :

Senators Barrett, Bryant, French, Griffith, Hale, Howard of Decatur, Logsdon and Trippet. Total, 8.

So the constitutional rule was suspended and the bill considered engrossed.

Engrossed Senate Bill No. 6 was read a third time by sections and put upon its passage.

The ayes and noes were ordered and taken, and resulted as follows:

Those voting in the affirmative were :

Senators Andrew, Barrett, Berry, Branaman, Bryant, Cox, Davis, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Fowler, French, Griffith, Hale, Harness, Howard of St. Joseph, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Peterson, Schloss, Shroyer, Sears,

Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Trippet, Urnston, Winter, Weir, Zimmerman and Mr. President. Total, 44.

Voting in the negative, none.

So the bill passed.

The title as read was adopted as the title of the bill.

Senate Bill No. 2 was taken up.

The following report was made by special committee on Senate Bill No. 2:

MR. PRESIDENT:

Your special committee, to whom was referred Senate Bill No. 2, with instructions to amend said bill, beg leave to report that they have amended said bill in accordance with said instructions, and recommend that it be put upon its passage.

F. WINTER,  
J. M. BARRETT,  
LEON O. BAILEY.

The report was concurred in.

Senate Bill No. 2 was read as amended.

The question being, Shall the bill pass?

Leave of absence was granted Senator Duncan of Brown until Tuesday next.

On motion of Senator Sellers the Senate adjourned.

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## AFTERNOON SESSION.

FEBRUARY 4, 1887.

The Senate met pursuant to adjournment at 2 o'clock P. M.

Hon. A. G. Smith, President of the Senate, in the chair.

Senator McDonald offered the following resolution:

WHEREAS, A large majority of the members of this Senate have been in daily attendance upon the sessions of the same since the first days of January without leave of absence; and

WHEREAS, It is quite necessary that many of the Senators go to their homes to attend to important private business which needs their attention ; therefore, be it

*Resolved by the Senate*, That when the same adjourns this afternoon, that the same stand adjourned until Tuesday, February 8, at 10 o'clock A. M.

The resolution was adopted.

Discussion was resumed on Senate Bill No. 2.

The question being, Shall the bill pass?

The ayes and noes were ordered and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Fowler, French, Griffith, Howard of Decatur, Howard of St. Joseph, Huston, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Winter, Weir, Zimmerman and Mr. President. Total, 33.

Those voting in the negative were :

Senators Cox, Davis, Day, Hale, Harness, Johnson, Kennedy, Mullinix, Peterson, Shroyer, Sears, Sellers, Thompson of Jasper. Total, 13.

So the bill passed.

On motion of Senator Sellers, the title of said bill was referred to the Committee on Phraseology.

Senator Smith of Wells introduced Senate Bill No. 210, entitled :

A bill for an act to regulate legal advertising in cities with a voting population of 15,000 according to the poll of the general election of 1887.

Read first time and referred to Committee on Public Printing.

Senator Fowler introduced Senate Bill No. 211, entitled :

A bill for an act to amend sections 1 and 3 of an act entitled an act prescribing certain duties of telegraph and telephone companies, prohibiting discrimination between patrons, and providing penalties therefor, and declaring an emergency ; approved April 8, 1885, and declaring an emergency.

Which was read a first time and referred to the Committee on Judiciary.

Senator Fowler introduced Senate Bill No. 212, entitled :

A bill for an act to amend sections 1 and 2 of an act prescribing certain duties of telegraph and telephone companies; approved April 8, 1885.

Read first time and referred to Committee on Judiciary.

Senator Rahm introduced Senate Bill No. 213, entitled :

An act providing for collecting reports of births, deaths and marriages, requiring a burial permit, and fixing penalties for the violation of its provisions.

Read first time and referred to Committee on Public Health.

Senator Thompson of Marion introduced Senate Bill No. 214, entitled :

A bill for an act to amend section 16 of an act entitled an act concerning public offenses and their punishment; approved April 14, 1881, being section 1917 of the Revised Statutes of Indiana, 1881, and declaring an emergency.

Read first time and referred to Committee on Judiciary.

Senator Ensley introduced Senate Bill No. 215, entitled :

A bill for an act to require railroad companies to give notice at stations whether passenger trains are on schedule time or not.

Read first time and referred to Committee on Railroads.

Senator Trippet introduced Senate Bill No. 216, entitled :

A bill to provide for the settlement, compromise, payment and funding of the debts and obligations of cities, towns and other municipal corporations, and for borrowing money and issuing bonds therefor, and declaring an emergency.

Read first time and referred to Committee on Finance.

Senator Bryant introduced Senate Bill No. 217, entitled :

An act to provide for the taxation of building, loan and savings associations.

Read a first time and referred to Committee on Banks.

Senator Weir, from special committee on Senate Resolution No. 60, made the following report :

MR. PRESIDENT :

Your select committee, to whom was referred Senate Resolution No. 60, have had the same under consideration, and in the discharge of instructions contained in said resolution have unanimously directed me to report for the consideration of the Senate the accompanying bill, and recommend its passage, according to said resolution.

Senator Weir introduced Senate Bill No. 218, entitled :

A bill for an act providing for the election of a Reporter of the Supreme Court of the State, to report the decisions of said court; providing for the publication of said reports, and providing for the compensation of said officer for said services, his assistants, their salaries, and other matters in relation thereto, and declaring an emergency.

Read first time and referred to the Committee on Judiciary.

Senator Winter introduced Senate Bill No. 219, entitled :

A bill for an act appropriating \$86.75 for the payment of a claim of John R. Rankin, directing payment of same and declaring an emergency.

Read first time and referred to Committee on Claims.



Senator DeMotte introduced Senate Bill No. 220, entitled :

A bill for an act entitled an act to regulate the practice of medicine, surgery and obstetrics, providing for the issuing of license to practice, defining certain misdemeanors and providing penalties, approved April 11, 1885.

Read first time and referred to Committee on Public Health.

Senator Shroyer introduced Senate Bill No. 221, entitled :

A bill for an act to authorize directors of building, loan fund and saving associations to borrow money for legitimate purposes.

Read a first time and referred to Committee on Corporations.

Senator Harness introduced Senate Bill No. 222, entitled :

A bill for an act to repeal section 3 of an act approved April 11, 1885.

Read a first time and referred to Committee on County and Township Business.

Senator Bailey introduced Senate Bill No. 223, entitled :

An act relative to the appointment of special deputies, marshals or policemen by sheriffs, mayors and other persons authorized by law to make such appointments, and declaring an emergency.

Which was read a first time and referred to the Committee on Labor and Labor Statistics.

Senator Bailey introduced Senate Bill No. 224, entitled :

A bill for an act to regulate the appointment of deputy prosecuting attorneys, defining their qualification and duties, the duties of mayors and justices of the peace in reference thereto, and repealing all laws or parts of laws in conflict herewith.

Which was read a first time and referred to the Committee on Judiciary.

Senator Thompson of Jasper, introduced Senate Bill No. 225, entitled :

A bill for an act to prevent swindling.

Read a first time and referred to Committee on Judiciary.

Senator Barrett introduced Senate Bill No. 226, entitled :

A bill for an act providing for the maintenance of night schools in certain cities.

Read a first time and referred to Committee on Education.

Senator Urmston introduced Senate Bill No. 227, entitled :

An act to amend section eight of an act providing for the better government and management of the Hospital for the Insane, the Asylum for the Blind, and the Institute for the Deaf and Dumb, repealing all laws or parts of laws in conflict herewith, and declaring an emergency.

Read first time and referred to Committee on Benevolent Institutions.

Senator Urmston introduced Senate Bill No. 228, entitled :

An act to amend an act entitled an act to authorize the Township Trustees of Union Township, Union County, Indiana, or his successors in office to pay certain indebtedness incurred by a former Trustee of said Township, approved March 29, 1879.

Read first time and referred to Committee on County and Township Business.

Senator Sears introduced Senate Bill No. 229, entitled :

An act to amend section 15 of an act entitled an act to authorize townships in this State to construct or aid in the construction and repairs of bridges across streams of water which form the boundary lines between two counties in this State, and prescribing the manner of granting such aid and the powers and duties of the Boards of County Commissioners in relation thereto, approved March 5, 1885.

Read a first time and referred to the Committee on County and Township Business.

Senator Ensley introduced Senate Bill No. 230, entitled :

An act to provide for the construction of sewers and drains in incorporated towns in the State of Indiana, defining the powers and duties of the Boards of Town Trustees in relation thereto, repealing sections 3392 to 3406 inclusive of the Revised Statutes of 1881.

Read a first time and referred to the Committee on County and Township Business.

Senator Griffith introduced Senate Bill No. 231, entitled :

A bill for an act providing for the organization and administration of the additional Hospitals for the Insane.

Read a first time and referred to Committee on Benevolent Institutions.

Senator Griffith introduced Senate Bill No. 232, entitled :

A bill for an act to amend an act entitled an act regulating insanity inquests, and the committal of insane persons to hospitals for the insane and their discharge therefrom, approved April 14, 1881.

Read a first time and referred to Committee on Benevolent Institutions.

Senator Griffith introduced Senate Bill No. 233, entitled :

An act making an appropriation to pay William A. Drapier, Stenographic Assembly Reporter, for the Brevier Legislative Reports of the debates and proceedings of the Fifty-first, Fifty-second and Fifty-third General Assembly of the State of Indiana.

Referred to Committee on Finance.

Senator Thompson of Marion, from the Committee on Cities and Towns, made the following report on Senate Bill No. 127 :

MR. PRESIDENT :

Your Committee on Cities and Towns, to whom was referred Senate Bill No. 127, have had the same under consideration, and recommend that the same do pass.

THOMPSON (of Mariou),  
Chairman.

Senator Day introduced Senate Bill No. 234, entitled :

An act for the protection of life and property from loss or damage by the explosion of steam boilers and other vessels or devices under pressure, and to provide for the examination and license of all persons operating or having charge of such devices.

Read first time and referred to Committee on Labor.

Seventy-five copies of said bill were ordered printed.

Senator Shively presented the following report and substitute for Senate Bill No. 13:

MR. PRESIDENT:

The Committee on Public Health, having had Senate Bill No. 13 under consideration, recommend the following amendment to substitute:

Strike out all after the enacting clause and insert the following: That it shall be unlawful for any one to practice dentistry in the State of Indiana without being registered according to the provisions of this act.

SEC. 2. A Board of Examiners, consisting of five reputable practicing dentists, shall be appointed on the last Tuesday in June, 1887, and biennially thereafter, one by the Governor, one by the State Board of Health, and three by the Indiana State Dental Association, said Board to serve for the term of two years from the date of such appointment; and it shall be the duty of said Board to meet annually at the time and place fixed for the meeting of said Dental Association, and oftener, at the call of any three members of said Board, at such time and place as may be designated in said call. When convened, the said Board shall examine all applicants, issue registration certificates thereon, and also examine all applicants for certificates of qualification, and issue such certificates to all such applicants as shall pass a satisfactory examination.

SEC. 3. Any person who shall prove to the satisfaction of said Board of Examiners that he is a graduate of a dental college, duly and legally incorporated, and shall present a diploma therefrom, and shall further show that said college is of good repute, shall be entitled to a registration certificate on the payment of a fee of one dollar to said Board.

SEC. 4. Any person who shall present to said Board of Examiners a valid certificate of qualification issued by the Board of Examiners under the provisions of any former law of this State, shall be entitled to a certificate of registration, upon the payment of a fee of one dollar to said Board.

SEC. 5. Any person who shall present to said Board of Examiners an application, under oath, attested by one or more freeholders, setting forth the fact that said applicant has been

engaged in the lawful practice of dentistry in this State continuously since the 29th of May, 1879, shall be entitled to a registration certificate on the payment of a fee of one dollar to said Board.

SEC. 6. Any person who shall desire to obtain a certificate of qualification to practice dentistry in this State, and who shall not be entitled to a registration certificate under any of the provisions of the preceding sections of this act, shall be by said Board examined in anatomy, physiology, pathology, therapeutics, chemistry, and the theory and practice of surgical and mechanical dentistry, upon the payment of a fee of fifteen dollars to said Board; and if such examination of said applicant prove satisfactory to said Board, it shall issue to said applicant a certificate of qualification and registration.

SEC. 7. Any member of the Board of Examiners may grant a permit to practice dentistry to any person who shall file with said member his application therefor, but such permit shall only be valid until the next meeting of said Board.

SEC. 8. All certificates (except permits) issued under this act shall be signed by at least three members of said Board of Examiners, and said certificates shall have the seal of the "Indiana Dental Association" affixed thereto. A majority of said Board shall constitute a quorum to transact business.

SEC. 9. All persons receiving certificates of registration from said Board of Examiners, or permits from any member thereof, before beginning to practice dentistry shall present said certificate of registration, or permit, to the Recorder of the county wherein the applicant desires to practice, and the said Recorder shall record said certificate, or permit, in the miscellaneous records of his office, and said Recorder shall indorse the recording of the same on the applicant's certificate, or permit, and for his services he shall collect from each applicant the sum of twenty-five cents.

SEC. 10. Any person who shall violate any of the provisions of this act shall, upon conviction thereof, be fined not less than twenty nor more than one hundred dollars for each offense: *Provided*, That nothing in this act shall be construed to prevent any lawfully registered surgeon or physician from extracting teeth or performing any surgical operation in the line of his professional duties.

SEC. 11. The Board shall receive, out of the fund created by this act, such compensation for their services as the by-laws of said State Dental Association may provide.

SEC. 12. An act entitled "An act to regulate the practice of dentistry," approved March 29, 1879, and printed in the Revised Statutes of 1881 as chapter 47, and being sections 4249 to 4257 inclusive, be and the same is hereby repealed, together with all laws in conflict with this act: *Provided, however,* That all violations of the laws hereby repealed may be prosecuted under the provisions of the law in force at the time when such offense was committed.

Senator Shively presented the following report:

MR. PRESIDENT:

The Committee on Public Health, to whom was referred Senate Bill No. 201, introduced by Senator Thompson, to amend section eight of the Revised Statutes of 1881, and for other purposes, have had the same under consideration, and recommend that it do pass.

Senator McDonald, from the Committee on Military Affairs, made the following report on Senate Bill No. 3:

MR. PRESIDENT:

Your committee to whom was referred Senate Bill No. 3, introduced by Senator Andrew, has had the same under consideration, and has instructed me to report the same back to the Senate with recommendation that the same be amended so as to strike out all after the enacting clause and insert in lieu thereof the following: That the sum of two hundred thousand dollars be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of erecting a State Soldiers' and Sailors' Monument; said appropriation to be used in connection with such other funds as have already been or may hereafter be donated and contributed for said purpose.

SEC. 2. That, for the purpose of organizing to build such monument, the Governor, Secretary, Auditor and Treasurer of State shall appoint five commissioners, not less than two of

whom shall belong to each of the two leading political parties of the State. Such appointment shall be made not later than thirty days after the passage and approval of this act.

The Governor shall at once notify such persons of their appointment under his certificate and seal, and such notice shall constitute their commission, and shall be by them deposited in the office of the Secretary of State and there recorded. The Commissioners so appointed shall, within twenty days after their appointment, qualify by taking an oath that they will honestly, diligently and according to law discharge their duties as such Commissioners, and shall give bond, to be approved by the Governor, Secretary, Auditor and Treasurer of State, each in the sum of five thousand dollars (\$5,000), conditioned for the faithful performance of such duties as may be imposed upon them by law, and that the cost of said monument shall not exceed said appropriation herein and the donations and contributions above mentioned. Such Commissioners shall constitute and be known as the "Board of Commissioners of the State Soldiers' and Sailors' Monument." They shall elect one of their number as President, whose duty it shall be to preside over meetings of said Board, sign the record of the proceedings thereof, and sign or stamp all vouchers before a warrant is drawn for their payment. They shall cause to be kept a record of their proceedings and shall report quarterly to the Governor, for the use of the public, a synopsis of their proceedings and an account of their expenditures. They may make such rules and regulations for the payment of money, the government of contractors and employes, and the management of the grounds and premises, as they may deem prudent, not inconsistent with this act and the laws of the State. They may meet on their own adjournment and shall meet at the call of the President of the Board, and a majority thereof present at such meeting shall constitute a quorum for the transaction of business. They shall receive for their services the sum of four dollars per day, and actual traveling expenses for the time they are actually employed in attending to their duties as such Commissioners, to be paid on itemized statement sworn to by the claimant. The State officers aforesaid, may, for just cause, remove any member of said Board, and fill all vacancies therein caused by such removals or otherwise. Any persons appointed to fill such vacancies shall be selected from the political party to which their predecessors respectively belonged.

SEC. 3. Said Commissioners are authorized and directed, as herein provided, to build a State Soldiers' and Sailors' Monument, the cost of which shall not exceed the sum hereby appropriated and such other donations and contributions as may be derived from other sources, on the ground commonly known as Circle Park, in the city of Indianapolis, and such Commissioners are authorized and directed to contract and agree with the city of Indianapolis for the use of the streets and alleys for disposing of tools and materials for the purpose of laying down such temporary tracks and tramways as may be necessary for transporting tools, materials, etc., and the city of Indianapolis is hereby authorized and empowered to make such agreement and contracts as are herein contemplated.

SEC. 4. Said Commissioners shall prepare, select or adopt a design or plan for the erection of such Soldiers' and Sailors' Monument; and to enable them to do so, they shall at once cause publication to be made in two newspapers within the State and in one newspaper in each of the cities of New York, Boston, Cincinnati and Chicago; that at a certain time, not to exceed six months thereafter, they will proceed to examine such designs, or plans, and specifications for such monument, not to exceed in cost the appropriation herein and the donations and contributions aforesaid submitted to them by competing architects or artisans skilled in such work; and each of said architects or artisans so competing shall submit full and careful estimates of the cost of erecting such monument, and a sealed proposal of the fees, salary or percentage he shall charge or expect if his plans should be adopted. To insure adequate competition, the Commissioners may offer a premium not exceeding \$1,000 for the best design or plan, and a premium not exceeding \$500 for the second best design or plan submitted: *Provided, however,* That said Commissioners may reject any and all plans and designs so submitted, if they consider them unsuitable, and readvertise in the same manner for further plans or designs, and as often as may be necessary to procure suitable plans or designs; and if none of said plans are considered suitable by the Commissioners, then said premiums shall not be awarded: *And, provided further,* That any premium that may be awarded to the architect who shall become the supervising architect in building said monument shall be considered and held to be fully paid by the commission or per cent. agreed



upon as hereinafter specified. In the selection of a plan or design, the Commissioners shall call to their assistance at least one competent architect of known skill and ability in his profession, who shall not have submitted a plan for competition; also, one civil engineer and one builder in good standing in their respective vocations, and shall cause them to take an oath in substance as follows:

I do solemnly swear (or affirm) that I have no pecuniary interest whatever in the selection of a plan or design for the State Soldiers' and Sailors' Monument; that I will not be influenced in my decision by any personal prejudices or partialities, but will faithfully discharge my duties according to law, and will hold my action and the action of the Board of Commissioners in the selection of a plan or design for the State Soldiers' and Sailors' Monument which may come to my knowledge in strict confidence.

The Commissioners shall then proceed to give the plans or designs, specifications and drawings which may have been submitted a thorough and critical examination, causing the experts so called to their aid to thoroughly examine all of said plans or designs and specifications thereof, and carefully test the estimates submitted. If they shall find the specifications and estimates correct, and that the plans and designs, or any of them, can be constructed within the limits of cost aforesaid, and that the same are suitable in regard to permanence and appearance, and adapted to all the purposes and aims of such a monument and in keeping with the dignity of the State, they may select the most meritorious of such plans or designs, and notify the successful architect thereof, and shall return the rejected plans or designs to the respective authors thereof. In advertising as aforesaid for plans or designs, the Commissioners may also give notice that they will receive bids for the entire work from persons wishing to accompany their plans or designs with such bids; and persons so accompanying their plans or designs with such bids may make such bids on condition that their plans or designs are not to be used except in case of the award of the contract to them; but in case of an award of the contract for the work as an entirety to the person or persons furnishing the plans or designs, then no premium shall be allowed for such plans or designs and no extra compensation shall be paid for supervising the work.

SEC. 5. The Commissioners are authorized to contract for labor, material, transportation, or any distinct portion of the work. All lettings of the work shall be advertised in two or more newspapers of general circulation, and sealed proposals shall be received therefor; but the Commissioners shall have the right to reject any and all bids. In all contracts the interest of the State shall be protected by proper bonds. All contracts with builders, architects or material men shall reserve to the Commissioners, for good cause shown, and to the Legislature, by concurrent vote of both houses, the right to annul the same, and said Commissioners shall make no allowance for damages, only for expense incurred and for labor performed. Ten per cent. shall be reserved for payments on estimates on work in progress, until the contract therefor shall be completed, and the work done thereunder inspected and accepted by the Commissioners. The contracts shall be so let that the State shall not be required to pay in any one year more than one hundred thousand dollars of said appropriation: *Provided*, That if said sum of one hundred thousand dollars shall not be expended in any given year, then the sum that may be expended for the next or subsequent years shall be increased by the sum of such unexpended balance. Models of any statuary, bas-reliefs, bronze or carved work contained in the plan or design adopted by the Commissioners may be required of the contractors for the inspection and approval of said Commissioners before the same are carved or cast.

SEC. 6. The material used in the construction of said monument shall be of the best quality of Indiana stone, and such other stone, marble, granite or material as may be necessary for ornamenting and completing said monument, and the directions, plans and specifications of the work shall be executed by skilled and reputable architects, contractors, artists, mechanics and laborers. The Commissioners, as far as is just and practicable, with due regard to the best interests of the State and the object and purpose of the work, shall give preference to Indiana material and labor. In the plan and specifications accepted, the architects shall be required to, and shall, guarantee that each and every part of said monument shall be perfect and complete for the purpose designed and intended as fully as it is made to appear and represented to be in the plans and specifications of the architect, and he shall be required to give bond, with acceptable sureties, in the penal sum of ten thousand dollars (\$10,000),

conditioned that said plan shall be perfect and complete for the purpose designed and intended, and that the monument shall be fully completed and finished as a whole, and in every part, for and within the price and cost estimated and fixed by such architect, and which price or cost shall be stated in his proposition or submission of plan and specification, and it shall be further understood and agreed that no extra work or material shall be necessary to fully complete the monument than that in the estimate set forth, and, should any be required, that the architect shall do such work and furnish such material at his own cost, and finish the work complete for the price estimated by the architects, and all changes that may be made in the plans and specifications during the progress of the work shall be agreed upon in advance between the Board of Commissioners and the contractor and architect, and the cost thereof fixed by contract: *Provided*, No change shall be made which will increase the aggregate cost of the monument so as to exceed the cost herein prescribed: *And, provided further*, That such changes shall not affect or release any surety or bondsman, on any contract or bond executed or given in connection with the building of said monument, but such liability shall be extended so as to embrace and cover such changes.

SEC. 7. The Board of Commissioners shall appoint a Secretary, who shall take an oath to faithfully perform the duties of his office. He shall keep a record of the proceedings of the Board; shall make a record of all contracts and obligations; shall furnish each contractor with a copy of his contract "marked" "approved by order of the Board" (day and date), and no contract shall be valid until thus endorsed and delivered; he shall certify to all vouchers ordered by the Board; shall keep a set of books, so as to show the financial condition of the Board, and shall make yearly statements of the cost and expenditures, and a complete list of vouchers and for what purpose and to whom paid, which reports the Governor shall transmit to the Legislature. The pay of the Secretary shall not exceed seventy-five dollars per month, and he shall give bond in the sum of two thousand dollars for the faithful performance of his duties. All contracts for any purpose connected with the monument, where the amount exceeds five hundred dollars, shall be regularly passed upon by the Board in session, and shall be recorded by the Secretary in a book kept for that purpose, and a copy shall be made out and certified to by the Secretary and

delivered to the other party to the contract, and until such delivery no contract shall be valid or binding on either party, and the Secretary shall retain on proper files all vouchers, statements and other papers of value and importance to the Board, the contractor or the State.

SEC. 8. The Board may, when they deem it necessary, employ a Superintendent, who shall be qualified and give bond, as prescribed by the Board, and whose duties and compensation shall also be prescribed by the Board.

SEC. 9. It shall not be lawful for any member of the Board, the Architect, Superintendent or Secretary, to be directly or indirectly interested in or to derive any profit from any contract, employment or purchase connected with the monument or with the action of the Board; nor shall either of the above named officers be the owner or interested in any claim against the Board or State growing out of the erection of said monument other than for their compensation for their services. Any of the above named officers violating the provisions of this section or corruptly using his official position shall be deemed guilty of a felony, and upon conviction shall be fined in any sum not exceeding one thousand dollars, to which may be added imprisonment in the State Prisons for any term not exceeding two years.

SEC. 10. The architect whose plans are selected shall be the supervising architect in building said monument, and he shall be liable on his bond for any failure in faithfully discharging the duties of his office, and for all losses for damages that may be incurred on account of his violating any of the provisions of this act, or on account of his neglect or incapacity for the duties of his office. He shall receive such compensation as may be agreed upon in advance: *Provided*, That no contract shall be made with an architect allowing more than five per cent. commission as full compensation for plans and specifications and the supervisions of the erection of such monument as the architect thereof.

SEC. 11. An emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

And when so amended that the bill do pass.

ISAIAH B. McDONALD,  
Chairman Committee Military Affairs.

Senator Howard of St. Joseph offered a report on Senate Bill No. 77, from the Committee on Swamp Lands, as follows :

MR. PRESIDENT :

Your Committee on Swamp Lands, to whom was referred a petition from 181 citizens and tax-payers of Newton and Jasper counties asking the General Assembly to pass Senate Bill No. 77, introduced by Senator Thompson of Jasper, have had the same under consideration and beg leave to report that the bill should pass with the following amendments :

Section 3 of printed bill, page 3, line 38, strike out "Secretary" and insert "Auditor."

Add to section three the following :

*Provided*, That no such sale shall be made to any applicant which does not include all of the said lands which he has claimed to own and does claim to own at the date of the passage of this act, as shown by the records aforesaid, and in case an applicant shall apply for a deed to a part only of the lands so claimed by him, his application shall be rejected.

T. E. HOWARD,  
Chairman.

Senator Howard of St. Joseph, from the Committee on Swamp Lands, offered the following report on Senate Bill No. 134 :

MR. PRESIDENT :

Your committee, to whom was referred Senate Bill No. 134, beg leave to report that they have had the same under consideration and recommend that the bill do pass, and that 300 copies of said bill be printed.

HOWARD,  
Chairman.

Senate Bill No. 19 was made a special order for next Monday morning at 11 o'clock.

Senator Sellers, from the Committee on Judiciary, offered the following report on Senate Bill No. 81:

**MR. PRESIDENT:**

Your Committee on Judiciary, to whom was referred Senate Bill No. 81, introduced by Senator Dresser, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be indefinitely postponed.

Senator Sellers, from the Committee on Judiciary, offered the following report on Senate Bill No. 70:

**MR. PRESIDENT:**

Your Committee on Judiciary, to whom was referred Senate Bill No. 70, introduced by Senator Davis, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that all of section 1 after the word "State prosecutions" be stricken out and the following inserted in lieu thereof, to wit: "And whenever it shall be made to appear to the court by statement in writing, signed by the prosecuting attorney or his deputy, that the ends of justice will be promoted thereby, such court or the Judge thereof may make an order for the payment of the proper and necessary expenses to procure the return of a fugitive from justice or the attendance of non-resident witnesses in State prosecutions."

And that when the same is so amended that the same be passed.

Senator Sellers, of the Judiciary Committee, made the following report on Senate Bill No. 63:

**MR. PRESIDENT:**

Your Committee on Judiciary, to whom was referred Senate Bill No. 63, introduced by Senator Shroyer, having had the same under consideration, beg leave to submit the following report:

Your committee recommends that a section be added to said bill, to wit:

**SEC. 2.** Whereas an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage, and that when the same is so amended that it do pass.

**SELLERS,**  
Chairman.

Senator Sellers, from the Judiciary Committee, offered the following report on Senate Bill No. 86 :

**MR. PRESIDENT :**

Your Committee on Judiciary, to whom was referred Senate Bill No. 86, introduced by Senator Thompson, having had the same under consideration, begs leave to submit the following report: Your committee recommends that said bill be indefinitely postponed.

Senator Sellers, from the Committee on Judiciary, made the following report on Senate Bill No. 106 :

**MR. PRESIDENT :**

Your Committee on Judiciary, to whom was referred Senate Bill No. 106, introduced by Senator Thompson, having had the same under consideration begs leave to submit the following report: Your committee recommends that said bill be indefinitely postponed.

Senator Sellers, chairman of the Judiciary Committee, submitted the following report on Senate Bill No. 68 :

**MR. PRESIDENT :**

Your Committee on Judiciary, to whom was referred Senate Bill No. 68, introduced by Senator Barrett, having had the same under consideration, beg leave to submit the following report: Your committee recommends that section 7 of said bill be amended by inserting after the word "provisions," in line 2 of said section the words, of sections 1, 2, 3 and 4, and that it be further amended by adding thereto an additional section as follows :

**SECTION 8.** Any person suspected or guilty of violating either of the foregoing sections of this act may be summoned either before the grand jury or in the Circuit Court and com-

pelled to testify in relation to the same, but no person so compelled or required to give testimony shall be prosecuted or punished therefor, for any act done by him about which he was so compelled to testify.

And that when the same is so amended that it be passed.

SELLERS,  
Chairman.

Senator Bryant, from the Committee on County and Township Business, made the following report on Senate Bill No. 194:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 194, beg leave to report that they have had the same under consideration and recommend that the bill do pass. BRYANT,  
Chairman.

Senator Bryant, from the Committee on County and Township Business, offered the following report on Senate Bill No. 178:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 178, have had the same under consideration and recommend that the bill do pass. BRYANT,  
Chairman.

Senator Marshall presented a memorial from 63 voters and 32 women of Warren County praying the Legislature to enact a law requiring in all public schools instruction in physiology and hygiene, with special reference to the nature of alcoholic drinks and narcotics, and their effects on the human system.

Referred to Committee on Education without reading.

Senator Duncan of Tipton called up House Bill No. 70.

The report of the committee was concurred in.

House Bill No. 70 was read a second time.

On motion of Senator Huston the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.



## TUESDAY MORNING.

FEBRUARY 8, 1887.

The Senate met in regular session at 10 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by the Rev. Wilbur F. Sheridan, pastor Blackford Street M. E. Church, Indianapolis.

The reading of the journal was being proceeded with, when, on motion of Senator Schloss, its further reading was dispensed with.

Senator Weir made the following motion :

MR. PRESIDENT :

I move that the vote of the Senate by which Senate Bill No. two (2) was passed, being a bill for an act concerning the payment and security of employes of associations, corporations, joint stock companies and individuals doing business or employing labor in this State, be reconsidered, and that the House be requested to return the same to the Senate.

During the pendency of this motion the President made the following announcement:

Senator Urmston, having resigned as a member of Committee on County and Township Business, Senator Branaman was appointed instead.

Also, Senator Andrew, having resigned as a member of Committee on Roads, Senator Branaman was appointed instead.

Also, Senator Griffith, having resigned as a member of Committee on Banks, Senator Branaman was appointed instead.

Also, Senator Logsdon, having resigned as a member of the Committee on Temperance, Senator Branaman was appointed instead.

Senate Bill No. 19 was called as a special order for this hour by Senator Moon.

Senator Sellers moved that Senate Bill No. 153 be referred to a special committee of two.

Motion carried.

Senators Sellers and Howard of Decatur were appointed as said committee.

Senator Sellers, from the Committee on Judiciary, made the following report on Senate Bill No. 19:

MR. PRESIDENT:

Your Committee on Judiciary, to which was referred Senate Bill No. 19, beg leave to report recommending that said bill be amended by adding to section 2 thereof the following, to-wit:

*Provided*, This act shall not authorize the issuance of bonds for the purpose of funding, nor the levy of any tax to pay any indebtedness of a city or town which has been held to be illegal by any court of competent jurisdiction; nor shall this act be construed to have the effect of legalizing any illegal debt of, or any bonds illegally issued by, any city or town, and that when said bill be so amended that the same do pass.

SELLERS,  
Chairman.

The report was concurred in.

The bill was read a second time.

Senator Trippet offered the following amendment (No. 1):

MR. PRESIDENT:

I move the following amendment to section 1:

That the word "five" be inserted after the word "twenty" in line 13.

Adopted.

Also, amendment No. 2:

MR. PRESIDENT:

I move that section 2 be amended by inserting the word "may" in line 3 after the word "and."

TRIPPET.

Adopted.

Also, the following amendment No. 3 to Senate Bill No. 19:

MR. PRESIDENT:

I move that the following stand as section 3 of this act:

SECTION 3. The interest coupons attached to any bonds issued by authority of this act, may, by order of the Common Council or Board of Trustees, when due, be made receivable for taxes levied or assessed in any such city or town, or other municipal corporation, for the payment of such interest, and when so ordered and so expressed upon the face of the coupons, they shall be receivable in payment for any taxes thereafter levied or assessed in the city, town or other municipal corporation issuing the same for the payment of said interest, and that section 3 of said act, as it now reads, stand for section 4.

Amendment adopted.

Also, amendment No. 4:

SECTION 5. An emergency is hereby declared for the immediate taking effect of this act, and the same shall be in force from and after its passage.

Adopted.

Senator Moon moved that the constitutional rule be suspended, that the bill be considered as engrossed, and read a third time by sections, and put upon it passage.

The question being, Shall the constitutional rule be suspended?

A call of the roll was ordered and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Campbell, Cox, Davis, Day, DeMotte, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Griffith, Hale, Harness, Howard of Decatur, Howard of St. Joseph, Johnson, Kennedy, Logsdon, Marshall, McClure, McDonald, Moon, Mullinix, Schloss, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Trippet, Urmston, Winter, Weir, Zimmerman, Mr. President. Total, 42.

No one voting in the negative.

So the constitutional rule was suspended.

The bill was considered as engrossed and read a third time by sections and put upon its passage.

The question being, Shall the bill pass?

A call of the roll being ordered and taken, resulted as follows:

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Campbell, Cox, Davis, Day, DeMotte, Dresser, Duncan of Tipton, Ensley, Griffith, Hale, Harness, Howard of Decatur, Howard of St. Joseph, Johnson, Kennedy, Logsdon, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Schloss, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Trippet, Urmston, Winter, Weir, Zimmerman and Mr. President. Total, 42.

Those voting in the negative were none.

So the bill passed.

Senator Sellers moved that the title to the bill be referred to the Committee on Phraseology.

Motion carried.

The following message was received from the House:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 230, a bill regulating the transportation of property by railroad companies and other common carriers, and the same is herewith transmitted to the Senate.

W. H. SMITH,  
Clerk of the House.

Also, the following message:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 23, a bill providing a penalty against persons unlawfully wearing the badge of the Grand Army of the Republic, and the same is herewith transmitted to the Senate.

W. H. SMITH,  
Clerk of the House.

House Bill No. 70 being a special order for this hour, Senator Duncan of Tipton called up said bill for consideration.

Engrossed House Bill No. 70 was read a third time by sections.

The question being, Shall the bill pass?

The ayes and noes were ordered and taken, and resulted as follows:

Those Senators voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Campbell, Cox, Davis, Day, DeMotte, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Griffith, Hale, Harness, Howard of Decatur, Howard of St. Joseph, Johnson, Kennedy, Logsdon, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Schloss, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Trippet, Urmston, Winter, Weir, Zimmerman, Mr. President. Total, 43.

Those voting in the negative, none.

So the bill passed.

The title as read was adopted as the title of the bill.

Senator Ensley called up Senate Bill No. 111.

The report of the committee was concurred in.

Senator Sellers moved that Senate Bill No. 111 be referred to a committee of three, who should report at 2 o'clock this evening.

Motion carried.

Senators Campbell, Weir and Ensley were appointed as such committee.

Senator Thompson of Jasper moved to make the consideration of Senate Bill No. 77 a special order for Thursday next at 2 o'clock P. M.

The motion carried.

Senator Trippet called up House Bill No. 14.

Engrossed House Bill No. 14 was read a third time.

Senator Winter made the following motion :

**MR. PRESIDENT:**

I move to refer Senate amendments with instructions to amend amendments to section 4 by inserting after the word "day" the words, "not exceeding double the amount of wages due."

Adopted.

Senator Winter was appointed as said committee.

Senator Winter, as a special committee on House Bill No. 14, reported amendment to section 4, by inserting after the word "day" the words, "not exceeding double the amount of wages due."

The report was concurred in.

On motion of Senator Smith of Wells, the Senate adjourned.

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## AFTERNOON SESSION.

FEBRUARY 8, 1887.

The Senate met pursuant to adjournment at 2 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

House Bill No. 14 was taken up, under the head of unfinished business.

The following message was received from the House:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed Concurrent Resolution No. 8, relating to instructing the Indiana Representatives in Congress to use their influence toward securing the passage of the pending bill, concerning the repayment of certain war taxes to the several States, and the same is herewith transmitted.

W. H. SMITH,  
Clerk.

The following House Concurrent Resolution accompanied the foregoing message from the House :

*Resolved by the House of Representatives, the Senate concurring,* That our Representatives in Congress be, and the same are hereby, respectfully requested and urged to secure, if possible, the prompt passage of the bill recently passed by the Senate of the United States, to refund to the States the direct war tax laid upon the respective States during the war of the Rebellion, and that it is the sense of this General Assembly that the same should be passed by the House of Representatives of Congress at its present session.

Senator Sellers offered the following motion :

MR. PRESIDENT :

I move to recommit House Bill No. 14 to a special committee, with instructions to amend the same by inserting in line 5 of section 1, after the word "merchandise," the words, "employing day laborers."

SELLERS.

The motion was lost.

The question being, Shall House Bill No. 14 pass?

The ayes and noes were ordered and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Dresser, Duncan of Brown, Fowler, Griffith, Howard of Decatur, Howard of St. Joseph, Kennedy, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Winter, Zimmerman, and Mr. President. Total, 28.

Those voting in the negative were :

Senators Davis, Day, DeMotte, Duncan of Tipton, Hale, Harness, Huston, Johnson, Peterson, Shroyer, Sears, Thompson of Jasper, Urmston, and Weir. Total, 14.

So the bill passed.

The title to the bill was referred to the Committee on Phraseology.

Senator Ensley, from a special committee, made the following report:

MR. PRESIDENT:

Your special committee to whom Senate Bill No. 111, was referred, begs leave to report the same back, amended to read as follows:

### SENATE BILL No. 111.

A bill for an act to regulate the taking up of animals that run at large.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it is hereby made the duty of all Road Supervisors, upon view or information, to cause all horses, mules, cattle, sheep, goats or swine, found running at large upon the roads, commons or uninclosed lands within their respective districts, which are not authorized to run at large by order of the Board of County Commissioners as by law provided, to be impounded, and such other proceedings had as required by the provisions of chapter 11 of the Revised Statutes of 1881, being an act concerning animals running at large. If any such Road Supervisor shall fail to perform such duty he shall be fined not less than one nor more than five dollars for each and every offense, and the Trustee of the township is hereby authorized and required to retain any unpaid fines or costs from any sum that may be due and unpaid to such Supervisor for services rendered in his official capacity.

SEC. 2. Whereas an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

Senator Ensley moved that the constitutional rule be suspended, that the bill be read a second time by title and considered engrossed, read a third time by sections and put upon its passage.

Motion carried.

The question being, Shall the constitutional rule be suspended?

The ayes and noes were ordered and taken, and resulted as follows:



Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Campbell, Cox, Davis, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Fowler, Griffith, Hale, Harness, Howard of Decatur, Howard of St. Joseph, Huston, Johnson, Kennedy, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Urmston, Winter, Weir, Zimmerman, and Mr. President. Total, 45.

Those voting in the negative, none.

So the constitutional rule was suspended.

The bill was read a second time by title, considered as engrossed, and read a third time by sections and put upon its passage.

The question being, Shall the bill pass ?

The ayes and noes were ordered and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Barrett, Berry, Branaman, Bryant, Campbell, Davis, Day, DeMotte, Dresser, Duncan of Tipton, Ensley, Hale, Harness, Howard of St. Joseph, Huston, Johnson, Kennedy, Macy, Marshall, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Winter, Weir. Total, 35.

Those voting in the negative were :

Senators Cox, Drake, Duncan of Brown, Fowler, Griffith, McClure, Tharp, Urmston, Zimmerman, and Mr. President. Total, 10.

So the bill passed.

The title was referred to the Committee on Phraseology.

Senator Dresser called up Senate Bill No. 23.

The report of the committee was read and concurred in.

The bill was read a second time by title.

Senator Winter offered the following amendment to Senate Bill No. 23:

**MR. PRESIDENT:**

Amend by striking out on page 2 the following words: "Nor of lot-holders in any cemetery, or their families, when visiting or returning from such cemetery if located not more than two miles from the corporate limits of any city in this State.

Amendment adopted.

Senator Campbell moved to refer the bill to the Committee on Roads, with instructions to report a substitute.

The motion carried.

Senator Sellers presented four petitions, which were referred to the Committee on Education without reading.

Senator Barrett presented two petitions, which were referred to the Committee on Education without reading.

Senator Harness presented two petitions, which were referred to the Committee on Education without reading.

Senator Davis presented two petitions, which were referred to the Committee on Education without reading.

Senator Moon presented two petitions, which were referred to the Committee on Education without reading.

Senator Cox presented three petitions, which were referred to the Committee on Education without reading.

Senator Hale presented a petition, which was referred to the Committee on Education without reading.

Senator Howard of St. Joseph presented a petition, which was referred to the Committee on Education without reading.

Senator Macy presented a petition, which was referred to the Committee on Education without reading.

Senator Winter presented a petition, which was referred to the Committee on Education without reading.

Senator Shively presented a petition, which was referred to the Committee on Education without reading.

Senator Huston presented a petition, which was referred to the Committee on Education without reading.

Senator S. P. Thompson presented a petition, which was referred to the Committee on Education without reading.

Senator Campbell presented a petition, which was referred to the Committee on Education without reading.

Senator Zimmerman presented two petitions, which were referred to Committee on Education without reading.

Senator Kennedy presented two petitions, which were referred to Committee on Education without reading.

Senator Sears presented two petitions, which were referred to Committee on Education without reading.

Senator Bryant presented three petitions, which were referred to Committee on Education without reading.

Senator W. C. Thompson presented one petition, which was referred to Committee on Education without reading.

Senator S. P. Thompson presented one petition, which was referred to Committee on Education without reading.

Senator Dresser presented one petition, which was referred to Committee on Education without reading.

Senator Schloss presented one petition, which was referred to Committee on Education without reading.

Senator McDonald presented one petition, which was referred to Committee on Education without reading.

The President presented one petition, which was referred to Committee on Education without reading.

Senator Mullinix presented one petition, which was referred to Committee on Education without reading.

Senator Johnson presented two petitions, which were referred to Committee on Education without reading.

Senator DeMotte presented two petitions, which were referred to Committee on Education without reading.

Senator Duncan of Brown presented one petition, which was referred to Committee on Education without reading.

Senator Johnson called up Senate Bill No. 26.

The report of the committee was concurred in.

Senate Bill No. 26 was read a second time and ordered engrossed.

Senator Fowler called up Senate Bill No. 39.

The report of the committee was concurred in.

On motion of Senator Sellers, Senate Bill No. 39 was read a second time and considered as engrossed.

Senator Fowler moved to suspend the constitutional rule, that the bill be read a third time and put upon its passage.

The question being, Shall the constitutional rule be suspended?

The ayes and noes were ordered and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Campbell, Davis, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, Griffith, Hale, Harness, Howard of Decatur, Howard of St. Joseph, Huston, Johnson, Kennedy, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Urmston, Winter, Weir, Zimmerman, and Mr. President. Total, 43.

None voting in the negative.

So the constitutional rule was suspended.

The bill was read a third time by sections and put upon its passage.

The question being, Shall the bill pass?

A call of the roll was ordered and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Barrett, Berry, Branaman, Bryant, Campbell, Davis, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, Griffith, Hale, Harness, Howard of St. Joseph, Huston, Johnson, Kennedy, Macy, Marshall, McClure, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Urmston, Winter, Zimmerman, and Mr. President. Total, 42.

None voting in the negative.

So the bill passed.

The title as read was adopted as the title of the bill.

Senator Sellers called up Senate Bill No. 88.

The report of the committee was concurred in.

The bill was read a second time.

On motion of Senator Sellers the bill was ordered engrossed.

On motion of Senator Sears Senate Bill No. 29 was made a special order for to-morrow evening at 2 o'clock.

On motion of Senator Day the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

## WEDNESDAY MORNING.

FEBRUARY 9, 1887.

The Senate met in regular session at 10 o'clock.

Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by Senator Davis.

The reading of the journal was being proceeded with when on motion its further reading was dispensed with.

Senator Duncan of Brown, asked leave of absence for the Committee on Education for to-day and to-morrow for the purpose of visiting the State University.

Granted.

Senator Drake presented four petitions which were referred to the Committee on Education without reading.

Leave of absence was granted Senator Trippet until to-morrow.

Senate bills on their third reading being the regular order of business, Engrossed Senate Bill No. 4 was taken up and read a third time.

The question being, Shall the bill pass?

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Campbell, Cox, Day, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, French, Griffith, Hale, Harness, Howard of St. Joseph, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Winter, Weir, Zimmerman, Mr. President.  
Total, 45.

Voting in the negative, none.

So the bill passed.

The title to the bill was referred to the Committee on Phrasology.

The following message was received from the House :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 298, a bill amending section 5805 of the Revised Statutes, and the same is herewith transmitted to the Senate.

W. H. SMITH,  
Clerk of the House.

Engrossed Senate Bill No. 5 was read a third time.

The question being, Shall the bill pass ?

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Berry, Branaman, Cox, Day, DeMotte, Dresser, Duncan of Brown, Fowler, Griffith, Hale, Harness, Howard of St. Joseph, Kennedy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Urmston, Weir, Zimmerman, Mr. President. Total, 35.

Those voting in the negative were :

Senators Campbell, Davis, Ensley, Johnson, Macy, Shroyer, Winter. Total, 7.

So the bill passed.

The title to the bill was referred to the Committee on Phraseology.

A memorial was presented to the Senate of William B. Howard, for relief on account of losses sustained in constructing the new State House.

Referred to a select committee of five.

The President stated that he would appoint the above committee during the day.

Engrossed Senate Bill No. 26 was read a third time.

Senator DeMotte made the following motion to recommit Senate Bill No. 26 to a committee of one:

**MR. PRESIDENT:**

I move to refer the bill to a committee of one, with instructions to strike out all after the enacting clause, and insert in lieu thereof the following: "That the death penalty as a punishment for crime in this State is hereby abolished."

**SEC. 2.** All laws and parts of laws in conflict with this act are hereby repealed.

The ayes and noes being demanded and taken, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Branaman, DeMotte, Griffith, Howard of St. Joseph, Macy, Shroyer, Shively, Urmston, Mr. President. Total, 10.

Those voting in the negative were:

Senators Bailey, Barrett, Berry, Bryant, Campbell, Cox, Davis, Day, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, Hale, Harness, Huston, Johnson, Kennedy, Logsdon, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Sears, Sellers, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Trippet, Winter, Weir, Zimmerman. Total, 37.

So the motion was lost.

By unanimous consent Senator Winter offered the following amendment, which was adopted by the Senate:

Strike out of section one the words "in case of his death disability or absence."

The question being, Shall Senate Bill No. 26 pass?

The roll being called, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Barrett, Berry, Branaman, Bryant, Campbell, Cox, Davis, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, Griffith, Hale, Har-



ness, Howard of St. Joseph, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Winter, Weir, Zimmerman. Total, 48.

Those voting in the negative were:

Senator Trippet, Mr. President. Total, 2.

So the bill passed.

The title of the bill was referred to the Committee on Phraseology.

Engrossed Senate Bill No. 29 was read a third time by sections.

Senator Thompson of Jasper offered the following amendment to Senate Bill No. 29:

**MR. PRESIDENT:**

I move to refer Senate Bill No. 29 to a special committee, with directions to amend the same by striking out of section 5 in line 6 these words: "at the time, nor by reason of his having consented thereto."

The motion carried.

Senator Thompson of Jasper was appointed said special committee, and reported at once that he had amended said bill in accordance with the instructions set forth in the amendment.

The report was concurred in.

Senator Sears moved that Senate Bill No. 29 be recommitted to the Committee on Mines and Mining.

Carried.

Senator Sears moved to make Senate Bill No. 3 a special order for 2 o'clock this afternoon.

The motion lost.

On motion of Senator Marshall the Senate adjourned.

## AFTERNOON SESSION.

FEBRUARY 9, 1887.

The Senate met pursuant to adjournment at 2 o'clock.

Hon. A. G. Smith, President of the Senate, in the chair.

Engrossed Senate Bill No. 88 was taken up and read a third time.

Senator Duncan of Tipton offered the following amendment to Senate Bill No. 88:

MR. PRESIDENT:

I move to recommit Senate Bill No. 88 to a special committee of two Senators, with instructions to amend the same by striking out the words "at least" in line 2, section 1, and the word "Saturday" in line 3, same section, and inserting in lieu thereof the words "day only," and by striking out the word "month" in said line and inserting in lieu thereof the words "of the first three months;" also, by striking out all of line 5 following the word "teachers," to and including the word "township" in line 6.

The following message was received from the House:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed Enrolled House Act No. 70, legalizing the incorporation of the city of Tipton, and the same is herewith transmitted to the Senate for the signature of the President.

W. H. SMITH,  
Clerk of the House.

The President of the Senate announced that he had signed Enrolled House Bill No. 70.

The question recurring on the motion to refer Senate Bill No. 88 to a special committee with instructions to amend.

The motion carried.

Senator Duncan of Tipton was appointed as said special committee.

Senator Duncan of Tipton, as a special committee of one, to whom was referred Senate Bill No. 88 with instructions, reported that the bill had been amended in accordance with the instructions.

The report was concurred in.

The question being, Shall the bill pass?

The roll being called, resulted as follows:

Those voting in the affirmative were:

Senators Bailey, Barrett, Berry, Branaman, Bryant, Campbell, Cox, Davis, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Hale, Harness, Howard of St. Joseph, Huston, Johnson, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sellers, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Urmston, Winter, Weir, Zimmerman and Mr. President. Total, 42.

Those voting in the negative were:

Senators Andrew, Fowler, Kennedy. Total, 3.

So the bill passed.

The title as read was adopted as the title of the bill.

Engrossed Senate Bill No. 89 was taken up and read a third time.

The question being, Shall the bill pass?

The roll being called, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Campbell, Cox, Day, DeMotte, Dresser, Duncan of Brown, Ensley, Howard of St. Joseph, Huston, Johnson, Kennedy, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Shively, Smith of Wells, Thompson of Jasper, Thompson of Marion, Tharp, Urmston, Weir, Zimmerman and Mr. President. Total, 37.

Those voting in the negative were :

Senators Drake, Fowler, Logsdon, Winter. Total, 4.

So the bill passed.

The title to the bill was referred to the Committee on Phraseology.

The question being on Senator Weir's motion to reconsider the vote by which Senate Bill No. 2 was passed.

Senator Barrett moved to lay Senator Weir's motion on the table.

The ayes and noes being demanded and taken, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Branaman, Bryant, Duncan of Brown, Fowler, Griffith, Howard of St. Joseph, Logsdon, Rahm, Smith of Wells, Tharp, Urmston, Winter, Zimmerman, and Mr. President. Total, 17.

Those voting in the negative were :

Senators Campbell, Cox, Day, DeMotte, Drake, Dresser, Hale, Harness, Howard of Decatur, Huston, Johnson, Kennedy, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Schloss, Shroyer, Sears, Sellers, Shively, Thompson of Jasper, Thompson of Marion, and Weir. Total, 27.

So the motion to lay on the table was lost.

The following message was received from the House :

**MR. PRESIDENT :**

I am directed by the House to inform the Senate that the House has passed Concurrent Resolution No. 9, relating to the centennial celebration of the settlement of the Northwest Territory, and the same is herewith transmitted.

W. H. SMITH,  
Clerk.

The question recurring on the motion of Senator Weir to reconsider the vote by which Senate Bill No. 2 was passed.

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Campbell, Cox, Davis, Day, DeMotte, Hale, Harness, Huston, Johnson, Kennedy, Marshall, Mullinix, Schloss, Shroyer, Sellers, Thompson of Jasper, Weir. Total, 17.

Those voting in the negative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Fowler, French, Griffith, Howard of Decatur, Howard of St. Joseph, Logsdon, Macy, McClure, McDonald, Moon, Peterson, Rahm, Shively, Smith of Wells, Thompson of Marion, Tharp, Trip-pet, Winter, Zimmerman, Mr. President. Total, 29.

So the motion to reconsider was lost, and the bill was ordered back to the House.

Senator Smith of Wells, from the Committee on Phraseology, made the following report on Senate Bill No. 2:

MR. PRESIDENT:

Your Committee on Phraseology, to whom was referred Engrossed Senate Bill No. 2, have examined the same and recommend that the title be amended to read as follows:

-An act concerning the payment and security of employes of associations, corporations, joint stock companies, copartnerships and individuals doing business or employing labor in this State and repealing all conflicting laws.

Report concurred in.

Also, on Engrossed Senate Bill No. 4:

MR. PRESIDENT:

Your Committee on Phraseology, to whom was referred Engrossed Senate Bill No. 4, have examined the same and recommend that the title be amended to read as follows:

An act to legalize the meetings of the Board of County Commissioners of the several counties in the State of Indiana,

in certain cases, providing for County Commissioners continuing in session without notice after the adjournment of the Board of Equalization, and declaring an emergency.

Report concurred in.

Also, on Engrossed Senate Bill No. 5:

MR. PRESIDENT:

Your Committee on Phraseology, to whom was referred Engrossed Senate Bill No. 5, have examined the same and recommend that the title be amended to read as follows:

An act for the relief of Geo. C. Merrifield, and the heirs of Isaac K. Parks, deceased, sureties upon the bond of William McKee Merrifield, former Trustee of L'enn Township, St. Joseph County, Indiana, and to authorize the present Trustee of said township, and his successors in office, to release a judgment obtained against said sureties in the St. Joseph Circuit Court, March 10, 1874, on payment of principal and costs, and declaring an emergency.

Report of the committee concurred in.

Also, on Engrossed House Bill No. 14:

MR. PRESIDENT:

Your Committee on Phraseology, to whom was referred House Bill No. 14, have examined the same and recommend that the title be amended to read as follows:

An act requiring corporations, companies, associations, firms and persons engaged in mining or manufacturing in this State to pay their employes semi-monthly in lawful money of the United States; prohibiting the issue or circulation of scrip; regulating the sale of merchandise and supplies by employer to employe, and providing penalties for violation.

The report was concurred in.

Also, on Senate Bill No. 19:

MR. PRESIDENT:

Your Committee on Phraseology, to whom was referred Engrossed Senate Bill No. 19, have examined the same and recommend that the title be amended to read as follows:

An act to authorize cities and towns to issue bonds for the purpose of funding their indebtedness, reducing the rate of interest on pre-existing obligations, compromising with any creditor or creditors, or taking up and canceling bonds, notes, or other obligations already due or which shall hereafter become due, and making it the duty of the Common Council of such cities, and Boards of Trustees of such towns, to levy taxes for the payment of the interest, and to provide sinking funds for the liquidation of the principal of such bonds, and repealing all laws in conflict, and declaring an emergency.

The report was concurred in.

Senator Smith of Wells made the following report for the Committee on Phraseology:

MR. PRESIDENT:

Your Committee on Phraseology, to whom was referred Engrossed Senate Bill No. 26, have examined the same, and recommend that the title be amended to read as follows: An act concerning the death penalty, prescribing the time, place and manner of inflicting the same, defining who shall be the executioner, and the duties of various officers in connection therewith, and declaring an emergency.

The report was concurred in.

Also, on Engrossed Senate Bill No. 89:

MR. PRESIDENT:

Your Committee on Phraseology, to whom was referred Engrossed Senate Bill No. 89, have examined the same, and recommend that the title be amended to read as follows: An act to protect the people of Indiana in the sale of poisons and the compounding of medicines by incompetent persons, and repealing all conflicting laws.

The report was concurred in.

Senator Smith of Wells, of the Committee on Phraseology, made the following report on Engrossed Senate Bill No. 111:

MR. PRESIDENT:

Your committee, to whom was referred Engrossed Senate Bill No. 111, have examined the same, and recommend that the

title be amended to read as follows: An act to regulate the taking up of animals that run at large, and declaring an emergency.

J. H. C. SMITH,

Chairman of Committee on Phraseology.

The report was concurred in.

The President of the Senate appointed Senators Branaman, Huston, DeMotte, French and Griffith as the special committee, to whom the Howard claim for losses on State House was referred.

Concurrent Resolution No. 9 was taken up and read.

Senator Weir moved to adopt said resolution.

The resolution was adopted.

Senator Weir introduced Senate Bill No. 235, entitled:

A bill for an act concerning representations and warranties in contracts of life insurance, and declaring an emergency.

Read first time and referred to special committee of five.

Appointment of committee deferred.

On motion of Senator Huston the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

## THURSDAY MORNING.

FEBRUARY 10, 1887.

The Senate met in regular session at 10 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by Rev. George Booth, pastor Sixth Presbyterian Church, Indianapolis.

On motion of Senator Tharp the reading of the journal was dispensed with.



Leave of absence was granted Senator Thompson of Jasper, on account of sickness of his family.

Leave of absence for the day was granted Senator Hale.

Senator Sellers moved that the regular order of business be dispensed with, and that committee reports be made, and that the Senate be called for bills.

Carried.

Senator Weir moved that the consideration of Senate Bill No. 77 be postponed until next Tuesday at 10 o'clock A. M.

Carried.

Senator Sellers, from the Committee on Judiciary, made the following report on Senate Bill No. 88:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 88, introduced by Senator Dresser, having had the same under consideration, begs leave to submit the following report: Your committee recommends that said bill be indefinitely postponed.

Senator Sellers, from the Committee on Judiciary, made the following report on Senate Bill No. 90:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 90, introduced by Senator Cox, having had the same under consideration, begs leave to submit the following report: A majority of your committee recommends that said bill be indefinitely postponed.

Also, the following minority report:

MR. PRESIDENT:

A minority of your Committee on Judiciary having considered Senate Bill No. 90, begs leave to report recommending that said bill be passed.

I. H. FOWLER.

Senator Sellers made the following report :

MR. PRESIDENT :

A majority of your Committee on Judiciary, having considered Senate Bill No. 16, have instructed me to report thereon recommending that said bill be amended by striking out all of section 1 following the word "unmarried," in line 6, and inserting in lieu thereof the following, to wit: "but she shall not enter into any executory contract to sell, or convey, or mortgage her real estate, nor shall she convey or mortgage the same unless her husband join in such contract, conveyance or mortgage," and that said bill be further amended by striking out section 4 of said bill, and the words, "and declaring an emergency," from the title of said bill, and that when the same is so amended that it do pass.

Also,

MR. PRESIDENT :

Your Committee on Judiciary, having had under consideration Senate Bill No. 16, a minority thereof beg leave to recommend that the same be indefinitely postponed.

Senator Sellers, from the Committee on Judiciary, made the following report on Senate Bill No. 58 :

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred Senate Bill No. 58, having had the same under consideration, begs leave to submit the following report: Your committee recommends that the following, to-wit:

An act to prohibit County Auditors from drawing their warrants on County Treasurers in violation of law, and prescribing punishment for the violation thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any County Auditor in this State, or his deputy, who shall draw his warrant or order upon any County Treasurer in this State for the payment of money in violation of law, with intent to defraud any county or person, shall be deemed guilty of a felony, and, upon conviction, be imprisoned in the State prison not more than fourteen years nor less than two years, or, in the discretion of the court or jury trying the

same, be imprisoned in the county jail not less than one month nor more than twelve months, and fined not less than one hundred dollars nor more than one thousand dollars, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period, be substituted for said original bill, and that, when the same is so substituted, the same be passed.

Also,

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred Senate Bill No. 156, introduced by Senator Barrett, having had the same under consideration begs, leave to submit the following report:

Your committee recommends that said bill do pass.

Also,

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred Senate Bill No. 100, introduced by Senator Fowler, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be indefinitely postponed.

Also,

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred Senate Bill No. 110, introduced by Senator Duncan, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be indefinitely postponed.

Senator Sellers, from the Committee on Judiciary, made the following report on Senate Bill No. 94:

**MR. PRESIDENT :**

Your Committee on Judiciary, to whom was referred Senate Bill No. 94, introduced by Senator Sears, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be indefinitely postponed.

Also, the following report on Senate Bill No. 95 :

**MR. PRESIDENT :**

Your Committee on Judiciary, to whom was referred Senate Bill No. 95, introduced by Senator Mullinix, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be indefinitely postponed.

Also, the following report on Senate Bill No. 135 :

**MR. PRESIDENT :**

Your Committee on Judiciary, to whom was referred Senate Bill No. 135, introduced by Senator Johnson, having had the same under consideration, begs leave to report the following :

Your committee recommends that said bill do pass.

Also, the following report on Senate Bill No. 105 :

**MR. PRESIDENT :**

Your Committee on Judiciary, to whom was referred Senate Bill No. 105, introduced by Senator Smith, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be indefinitely postponed.

Also, the following report on Senate Bill No. 102 :

**MR. PRESIDENT :**

Your Committee on Judiciary, to whom was referred Senate Bill No. 102, introduced by Senator Logsdon, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be passed.

Also, on Senate Bill No. 115:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 115, introduced by Senator Winter, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be indefinitely postponed.

Also, on Senate Bill No. 159:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 159, introduced by Senator Barrett, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill do pass.

Senator Sellers, from the Committee on Judiciary, made the following report on Senate Bill No. 151:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 151, introduced by Senator Mullinix, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be indefinitely postponed.

Also, on the following report on Senate Bill No. 150:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 150, having had the same under consideration, begs leave to submit the following report:

This committee having recommended the passage of another bill containing the same provisions, would recommend that this bill be indefinitely postponed.

Also, the following report on Senate Bill No. 128:

**MR. PRESIDENT:**

Your Committee on Judiciary, to whom was referred Senate Bill No. 128, introduced by Senator Barrett, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be indefinitely postponed.

Also, the following report on Senate Bill No. 148:

**MR. PRESIDENT:**

Your Committee on Judiciary, to whom was referred Senate Bill No. 148, introduced by Senator Johnson, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill do pass.

Also, the following report on Senate Bill No. 119:

**MR. PRESIDENT:**

Your Committee on Judiciary, to whom was referred Senate Bill No. 119, introduced by Senator Logsdon, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill do pass.

Also, the following report on Senate Bill No. 117:

**MR. PRESIDENT:**

Your Committee on Judiciary, to whom was referred Senate Bill No. 117, introduced by Senator Duncan, having had the same under consideration, begs leave to report the following:

Your committee recommends that said bill be indefinitely postponed.

Also, the following report on Senate Bill No. 116:

**MR. PRESIDENT:**

Your Committee on Judiciary, to whom was referred Senate Bill No. 116, introduced by Senator Zimmerman, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be indefinitely postponed.

Senator Schloss, from the Committee on Fees and Salaries, offered the following report on Senate Bill No. 14:

MR. PRESIDENT:

Your Committee on Fees and Salaries, to whom was referred Senate Bill No. 14, have had the same under consideration and direct me to report that it be indefinitely postponed.

Also, on Senate Bill No. 114:

MR. PRESIDENT:

Your Committee on Fees and Salaries, to whom was referred Senate Bill No. 114, having given same due consideration, direct me to report that the attached be substituted after the enacting clause of No. 114, with the recommendation that it do pass.

An act governing attorneys' fees in promissory notes and other written evidence of indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any and all agreements to pay attorneys' fees in any promissory note, bill of exchange, acceptance, draft, or other written evidence of indebtedness, are hereby declared null and void, except where the amount of attorneys' fees or per cent. to be paid is given in said promissory note, bill of exchange, acceptance, draft, or other written evidence of indebtedness.

Also, on Senate Bill No. 139:

MR. PRESIDENT:

Your Committee on Fees and Salaries, to whom was referred Senate Bill No. 139, introduced by Senator Weir, having had the same under consideration, report the same back to the Senate with a recommendation that all of the words in line number 26, on page 1, be stricken out, and to insert in line No. 28, same page, after the word dollars the words, "*Provided, however*, That no fee shall be charged for a commission to any justice of the peace," and by inserting in line 2, on page 2, after the word dollars the words, "*Provided*, No fee shall be charged to any church association, building and loan association and benevolent association, or to any Odd Fellows, Masonic, Knights of Pythias, or other secret benevolent society or association, for so filing and recording such articles, charter or certificates of incorporation," and that when so amended the same do pass.

Senator Urmston, from the Committee on Public Printing, offered the following report on Senate Bill No. 210:

MR. PRESIDENT:

Your Committee on Public Printing, to whom was referred Senate Bill No. 210, introduced by Senator Smith, having had the same under consideration, a majority of the committee have directed me to report the same back with the recommendation that it do pass.

Senator Macy, from the same committee, offered the following minority report on same bill:

MR. PRESIDENT:

The undersigned, a member of your Committee on Printing, to whom was submitted Senate Bill No. 210, introduced by Senator Smith, having had the same under consideration, beg leave to make the following minority report: That there be added at the conclusion of said section these words, to-wit: *Provided*, That nothing in this act shall be construed as rendering illegal publications of any notice in any weekly newspaper of general circulation printed and published in said county, as now provided by law, and when so amended the same do pass.

Senator Bryant, from the Committee on County and Township Business, offered the following report on Senate Bill No. 229:

MR. PRESIDENT:

Your Committee on County and Township Business, to whom was referred Senate Bill No. 229, beg leave to report that they have had the same under consideration, and recommend that the bill do pass.

Senator Duncan of Brown made the following report:

MR. PRESIDENT:

A majority of your committee, to whom was referred Senate Bill No. 55, introduced by Senator Zimmerman, have had the same under consideration, and direct me to report the same back to the Senate with a recommendation that it be indefinitely postponed.



Also,

MR. PRESIDENT :

Your committee, to whom was referred Senate Bill No. 55, introduced by Senator Zimmerman, have had the same under consideration, and submit the following amendment:

SECTION 2. The State Board of Education is hereby empowered to employ well qualified persons to compile the books mentioned in section 1 of this act, and if any member or members of the State Board of Education shall be willing to undertake said work of compilation, said Board of Education may, in its discretion, employ such member or members to compile any or all of the books mentioned in section 1 of this act, and said Board of Education shall cause the compilation of books relating to at least two of the subjects mentioned in section one (1) aforesaid to be completed in at least one year from the date of the passage of this act, and they shall also cause the text-books upon at least two additional subjects to be completed each year thereafter, until all shall have been compiled.

If competent authors shall compile any one or more works of the first order of excellence, and shall offer the same as a free gift to the people of the State, together with the copyright of the same and the exclusive right to manufacture and sell such works within the State of Indiana, it shall be the duty of the State Board of Education to accept such gift, and to expend no money for the purpose of compiling works on the subjects treated of in the books thus donated: *Provided*, That the said State Board of Education may purchase, of the author or proprietor of any one or more works of the first order of excellence on the subjects enumerated in section 1 of this act, the exclusive right to publish and sell said work or works in the State of Indiana, if the same can be purchased for a price not exceeding the cost of compiling a new book or books on the same subjects. The State Board of Education shall have the power in all cases to designate what cuts, engravings, charts and maps shall be used in said series of text-books.

Also recommend that section 6 be stricken out and the following inserted in lieu thereof:

SEC. 6. Whenever text-books on two or more of the subjects mentioned in section 1 of this act, shall have been compiled or

otherwise adopted as provided for in this act, the State Board of Education shall issue an order requiring the uniform use of such books as shall have been so compiled or adopted in the common schools of the State, but said order for the uniform use of said books shall not take effect until the expiration of one year from the time that the matter for such books shall have been delivered to said contractor.

Also, amend section 10, by striking out of line 4 thereof the words "section one of," and that when so amended we recommend the passage of the bill.

On motion of Senator Zimmerman 100 copies of the bill and reports were ordered printed.

Also,

MR. PRESIDENT:

Your committee to whom was referred Senate Bill No. 182, introduced by Senator Duncan of Brown, have had the same under consideration, and direct me to report the same back to the Senate with a recommendation that it do pass.

The following message was received from the House:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bill No. 6, a bill providing for the establishment and maintenance of a Soldiers' Orphans' Home, and the same is herewith returned to the Senate.

W. H. SMITH,  
Clerk.

Senator Duncan of Brown, chairman of the special committee, made the following report:

MR. PRESIDENT:

Your committee, to whom was referred the memorial in relation to the indexing of the records and papers on file in the Clerk's office of the Supreme Court, beg leave to report that they have examined the said Clerk's office, and ascertained that the condition of the records and papers on file in said office are as set forth in the memorial, which was referred to your

committee, and which is numerous signed by members of the bar of the State, as well as indorsed by the Judges of the Supreme Court. The records and papers in nearly twenty thousand cases on file in the said Clerk's office are, for want of room, stored away in boxes and temporary shelving in various rooms in the State building, and nearly all, except the papers in pending cases, are in a filthy condition and in a chaotic state; consequently, a detriment to the public interests, as it is almost impossible, for the want of some system of indexing, to obtain information sought, concerning records and papers, which is often essential to those concerned. Your committee are of the opinion that when the Clerk's office is removed to the new State House, there will be ample room and facilities for filing away all papers and records in said office, but that when so filed away, to be of any practical use, some system of indexing should be authorized by which the papers and information in each case could be readily ascertained, and your committee therefore report the memorial back to the Senate with the accompanying bill (numbered 236), and recommend that the same do pass.

W. C. DUNCAN,  
Chairman of Special Committee.

Senate Bill No. 236 was introduced by the select committee to whom was referred memorial in relation to indexing the records and papers on file in Clerk's office of the Supreme Court.

The title to the bill is as follows:

An act providing for indexing the records and papers in the Clerk's office of the Supreme Court, and making an appropriation therefor.

The bill was read a first time and referred to a committee of five, as follows:

Senators Weir, French, Davis, Sellers and Winter.

Senator Peterson, of the Committee on Agriculture, made the following report on Senate Bill No. 23:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 23, introduced by Senator Dresser, beg leave to report that they

have had the same under consideration, and would recommend the accompanying substitute for said bill, and that said substitute do pass.

SILAS PETERSON,  
Chairman.

### SUBSTITUTE.

A bill for an act prohibiting the charging of tolls by plank, macadamized, turnpike and gravel road companies in certain cases, and declaring an emergency.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That no plank, macadamized, turnpike or gravel road company in the State shall exact any pay or toll from persons traveling on such road when going to or from funerals of the United States, or of this State, while in actual service, or from ministers of the Gospel while going to and returning from their appointments for preaching, nor from persons going to or returning from religious services on Sunday.

SEC. 2. An emergency is hereby declared, and this act shall be in force from and after its passage.

Senator Rahm, Chairman of the Committee on Benevolent Institutions, made the following report on Senate Bill No. 227:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 227, introduced by Senator Urmston, have had the same under consideration, and direct me to report the same back to the Senate with a recommendation that it do pass.

RAHM,  
Chairman.

Senator Rahm made the following report:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 142, introduced by Senator Rahm, have had the same under consideration, and a majority of the committee direct me to report the same back to the Senate with a recommendation that it do pass.

Also,

MR. PRESIDENT:

Your Committee on Benevolent Institutions, having under consideration Senate Bill No. 142, would respectfully recommend that said bill be amended as follows:

On page 1, in section 1, after the words, "reputable citizens," strike out the words following, up to and including the words, "State election." Also, in the same section, on page 2, after the words, "his successor shall be," strike out the word, "appointed," and insert in lieu thereof the words, "selected by said General Assembly." Also, in the same section, on page 2, after the words, "the trustees," strike out all following up to and including the words, "of the Senate," and insert in lieu thereof the words, "so elected."

Also, in section 1, on page 2, strike out the word "Senate," the same being the first word of the next to the last line of said section, and insert in lieu thereof the words "General Assembly."

Also, in the same section and on page 2, add to the last words of said section, the following: "For its confirmation or rejection."

Also, in the first line of section 2, on page 2, strike out the word "appointees" and insert in lieu thereof the word "Trustees."

Also, in line 2 of section 2, on page 2, strike out the word "appointments" and insert in lieu thereof the word "elections."

Also, in section 3, on page 2; line 2, after the words "shall meet," strike out the words "with the said Board of Commissioners for Additional Hospitals for Insane."

Also, on page 2, section 3, beginning with the word "the," the first word of line 4 in said section, strike out the words following up to and including the words "joint session."

Also, on page 4, section 7, line 1, after the word "Trustee," insert the words "Superintendent, or any employe."

Also, on page 5, section 13, in line 7, beginning with the words "and therefore," strike out all of the remainder of said section and insert in lieu thereof the following: "The Board of Trustees shall select and employ such assistant physicians, clerk, attendants, skilled workers and servants as may be, in their judgment, necessary to enable the medical superintendent to properly perform the work with which he is charged, and

said Board shall make all necessary regulations for their government and direction, and for the administration of the hospital."

And your committee recommends that when said bill is so amended the same do pass.

Also,

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 231, introduced by Senator Griffith, have had the same under consideration, and direct me to report the same back to the Senate with a recommendation that it be indefinitely postponed, the same being a duplicate of Senate Bill No. 142.

Senator Rahm, Chairman of the Committee on Benevolent Institutions, made the following report on Senate Bill No. 232:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 232, introduced by Senator Griffith, have had the same under consideration, and direct me to report the same back to the Senate with a recommendation that it be indefinitely postponed, the same being a duplicate of Senate Bill No. 141.

RAHM,  
Chairman.

Senator Berry, from the Committee on Agriculture, made the following report on Senate Bill No. 42:

MR. PRESIDENT:

Your Committee on Agriculture, to whom was referred Senate Bill No. 42, have had the same under consideration, and would submit the following report: We would recommend the following amendments and when so amended we would recommend its passage: Amend by striking out of title to the bill the words, "also to prohibit the killing of rabbits with ferrets."

Also amend by inserting the word "brant" after the words "wild duck," where it occurs in lines 14 and 21 of the first section of this bill.

Also to strike out section 3.

Senator Weir, from the Committee on Claims, made the following report on Senate Bill No. 203:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 203, introduced by Senator Bailey, have had the same under consideration, and direct me to report the same back to the Senate with a recommendation that it do pass.

Also, the following report on Senate Bill No. 152:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 152, introduced by Senator Sears, have had the same under consideration, and direct me to report the same back to the Senate with a recommendation that it do pass.

Also, the following report on Senate Bill No. 206:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 206, introduced by Senator Duncan of Brown, have had the same under consideration, and direct me to report the same back to the Senate with a recommendation that it do pass.

Also, the following report on Senate Bill No. 191:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 191, introduced by Senator Winter, have had the same under consideration, and direct me to report the same back to the Senate with a recommendation that it do pass.

Also, the following report on Senate Bill No. 32:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 32, introduced by Senator Thompson of Marion, have had the same under consideration, and direct me to report the same back to the Senate with a recommendation that it do pass.

Senator McClure, Chairman of the Committee on Federal Relations, made the following report on Senate Bill No. 131 :

MR. PRESIDENT :

Your committee, to whom was referred Senate Bill No. 131, introduced by Senator Ensley, have had the same under consideration, and direct me to report the same back to the Senate with a recommendation that it be indefinitely postponed.

McCLURE,  
Chairman of Committee on Federal Relations.

Senator McClure, from the Committee on Federal Relations, made the following report on Senate Bill No. 129 :

MR. PRESIDENT :

Your Committee on Federal Relations, to whom was referred Senate Bill No. 129, introduced by Senator Davis, have had the same under consideration, and direct me to report back to the Senate with a recommendation that it be indefinitely postponed.

Senator Zimmerman, from the Committee on Banks, made the following report on Senate Bill No. 217 :

MR. PRESIDENT :

Your Committee on Banks, to whom was referred Senate Bill No. 217, have had the same under consideration, and direct me to report that they recommend that it do pass.

Senator Howard of St. Joseph, made the following report :

MR. PRESIDENT :

Your Committee on Swamp Lands, to whom was referred Senate Joint Resolution No. 3, offered by Senator DeMotte, have had the same under consideration, and have directed me to report on the same by the accompanying bill, and ask that five hundred copies of the bill be printed, and the bill be then referred to the Judiciary Committee to report upon its constitutionality.

Accompanying the above was Senate Bill No. 237, entitled :

An act to remove obstructions in Kankakee at Momence.

Read a first time and referred to Committee on Judiciary, after 500 copies are printed.



Senator Howard of St. Joseph, from the Committee on Swamp Lands made the following report on Senate Bill No. 188:

MR. PRESIDENT:

Your Committee on Swamp Lands, to whom was referred Senate Bill No. 188, introduced by Senator Harness, have had the same under consideration, and directed me to report the bill with the recommendation that the bill do pass.

Also, on Senate Bill No. 57:

MR. PRESIDENT:

Your Committee on Swamp Lands, to whom was referred Senate Bill No. 57, introduced by Senator Barrett, have had the same under consideration, and have directed me to report in favor of the passage of said bill and ask that 400 copies be printed.

Four hundred copies were ordered printed.

Senator Bryant, Chairman of the Committee on County and Township Business, made the following report on Senate Bill No. 230:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 230, begs leave to report that they have had the same under consideration, and recommend that the same be referred to the Committee on Cities and Town.

D. C. BRYANT,  
Chairman Committee on County and Township Business.

Senator Shively, from the Committee on Public Health, offered the following report on Senate Bill No. 213:

MR. PRESIDENT:

Your Committee, to whom was referred Senate Bill No. 213, begs leave to report that they have had the same under consideration, and recommends that the same do pass.

Also, on Senate Bill No. 220 :

MR. PRESIDENT :

Your Committee on Public Health, to whom was referred Senate Bill No. 220, begs leave to report that they have had the same under consideration, and reports the following substitute for said bill, to-wit:

A bill for an act to amend sections 2 and 6 of an act entitled an act to regulate the practice of medicine, surgery and obstetrics, providing for the issuing of licenses to practice, defining certain misdemeanors, and providing penalties, approved April 11, 1885.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That sections 2 and 6 of said act be amended to read as follows :

SEC. 2. Any person desiring to practice medicine, surgery or obstetrics in this State shall procure, from the Clerk of the Circuit Court of the county wherein he or she desires to practice, a license so to do, which license shall be issued to such person only when he or she shall have complied with the following conditions, to-wit: When such applicant shall file with such Clerk his or her affidavit, stating that such applicant has regularly graduated in some reputable medical college, and shall exhibit to such Clerk the diploma held by such applicant from a college listed by the State Board of Health as a reputable college, and the State Board of Health is hereby empowered and instructed to file with the Clerk of the Circuit Court in each county in this State, annually, a list of reputable medical colleges in this State and in the United States and of foreign countries, and only such colleges as are named in said list shall be deemed reputable; or when such affidavit of two reputable freeholders or householders of the county, stating that he or she has resided and practiced medicine, surgery and obstetrics in this State continuously for ten years immediately preceding the date of the taking effect of this act, stating particularly the locality or localities in which he or she practiced during said period, and the date and length of time in each locality, or when such applicant shall file with such Clerk his or her affidavit and the affidavit of two reputable freeholders or householders of the county, stating that he or she has resided and practiced medicine, surgery and obstetrics in this State continuously for three years immediately

preceding the date of the taking effect of this act, stating particularly the locality or localities in which he or she practiced during said period, and the date and length of time in each locality, and that he or she had, prior to said date, attended one full course of lectures in some reputable college, such applicant shall pay to such Clerk for such license the sum of one dollar and fifty cents, and such Clerk shall record such license, together with the name of the college in which such applicant graduated and the date of his or her diploma, in a book to be kept for such purpose, and which shall be a public record.

SEC. 6. The following shall be the form of license under this act :

The Clerk of the Circuit Court shall appropriately fill up the blanks and issue the same under the seal of their respective courts, to-wit :

THE STATE OF INDIANA, } ss.  
 \_\_\_\_\_ COUNTY.

I, \_\_\_\_\_, Clerk of the Circuit Court of \_\_\_\_\_ County, in said State, do hereby certify that \_\_\_\_\_ has complied with the laws of the State of Indiana, relating to the practice of medicine, surgery and obstetrics, and is hereby authorized to practice medicine, surgery and obstetrics in said State.

Witness my hand and seal of said court, this \_\_\_\_\_ day of \_\_\_\_\_, 18—.

\_\_\_\_\_,  
Clerk.

And such license shall entitle the person receiving the same to practice in any county in this State.

SEC. 2. Whereas, an emergency exists for the immediate taking effect of this act, it shall be in force from and after its passage.

Senator Tharp, from the Committee on Mines and Mining, made the following report on Senate Bill No. 49 :

MR. PRESIDENT :

Your Committee on Mines and Mining, to whom was referred Senate Bill No. 49, beg leave to report that they have had the same under consideration, and recommend that the bill do pass.

Senator Howard of Decatur, from the Committee on Executive Appointments, made the following report :

MR. PRESIDENT :

Your Committee on Executive Appointments have had under consideration a communication of the Governor announcing the appointment of Murray Briggs, of Sullivan County, and Joseph Gilbert, of Vigo County, as trustees of the State Normal School, to serve four years from December 20, 1885, and recommend that the said appointments be confirmed.

The report was concurred in.

Senator Bailey, from the Committee on Labor and Labor Statistics, made the following report on Senate Bill No. 223 :

MR. PRESIDENT :

Your Committee on Labor and Labor Statistics, having under consideration Senate Bill No. 223, would respectfully recommend the following amendments: On page 1, section 1, line 7, after the words, "period of," strike out the words, "three years," and insert in lieu thereof the words, "one year."

Also, on page 1, section 1, line 8, strike out the words, "one year," and insert in lieu thereof the words, "six months."

Also, on page 1, section 1, line 9, beginning with the words, "and of the fact," strike out the remainder of said section.

Also, on page 1, section 2, line 6, after the words, "be imprisoned," strike out the words, "at hard labor."

Also, on page 1, in section 2, line 7, strike out the word, "less," and insert in lieu thereof the word, "more."

Also, on page 1, section 2, line 7, strike out the words, "nor more than three years."

Also, on page 1, section 2, line 8, strike out the words, "three thousand," and insert in lieu thereof, "one hundred."

And your committee recommends that when said bill has been amended as indicated by this report that the same do pass.

Senators Sellers and Howard of Decatur, a special committee appointed to which was referred Senate Bill No. 153, made the following report:

MR. PRESIDENT :

Your special committee, to whom was referred Senate Bill No. 153, begs leave to submit the following report :

It recommends that all of said bill following the enacting clause be stricken out, and the following inserted in lieu thereof, to-wit: That it shall be unlawful for any person to catch, take or kill in any manner, any fish in any of the lakes, rivers, or other waters within this State, between the first day of April and the fifteenth day of June in any year, and whoever shall violate the provisions of this act shall be guilty of a misdemeanor, and shall, upon conviction, be fined not less than ten dollars nor more than two hundred dollars for each offense, to which may be added imprisonment in the County Jail for any determinate period, not exceeding sixty days.

SEC. 2. This act shall not repeal any law of this State now in force, except where it may directly conflict with this act.

SEC. 3. An emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

Your committee further recommends that the title of said bill be stricken out and the following title be adopted as the title to the bill :

An act prohibiting the taking, catching or killing of fish in any of the lakes, rivers or other waters within this State between the first day of April and the fifteenth day of June in each year, providing penalties for the violation thereof, and declaring an emergency, and that when the same is so amended that the same be passed.

HOWARD,  
SELLERS,  
Committee.

Senator Urmston moved that the Committee on Railroads be instructed to report on Senate Bills 107, 163 next Tuesday at 10 o'clock.

Motion carried.

Senator Winter moved that the special order on Appellate Court Bill be postponed until next Monday.

Motion carried.

Senator Andrew introduced Senate Bill No. 237, entitled :

An act authorizing the sale of certain lands belonging to the State of Indiana, disposing of the proceeds thereof, and providing for the recovery of the possession of any of the lands of the State unlawfully held, and for the rent of any lands of the State until sold, repealing all laws in conflict therewith, and declaring an emergency.

Read a first time and referred to Committee on Finance.

Senator Bailey introduced Senate Bill No. 238, entitled :

A bill for an act providing for the erection, by railroad companies doing business in this State, of bridges of sufficient height to prevent injury to their employes, repealing all laws or parts of laws in conflict herewith.

Read a first time and referred to Committee on Labor.

Senator Branaman introduced Senate Bill No. 239, entitled :

A bill for an act to authorize the use of certain State lands by the officers of the Indiana Hospital for the Insane, and declaring an emergency.

Read a first time and referred to Committee on Benevolent Institutions.

Senator Cox introduced Senate Bill No. 240, entitled :

An act to amend sections eight (8), ten (10) and (15) of an act entitled "An act to provide for organizing and regulating the business of life insurance corporations, associations and societies transacting business on what is known as the assessment plan, and fixing penalties for the violation of its provisions, and declaring an emergency," approved March 9, 1888.

Read a first time and referred to Committee on Insurance.

Senator Day introduced Senate Bill No. 241, entitled :

An act to legalize the acts and proceedings of the officers of the town of Salem, in the county of Washington, State of Indiana, in reference to the system of water works established and constructed therein, declaring an emergency.

Read a first time and referred to Committee on Cities and Towns.

Senator Drake introduced Senate Bill No. 242, entitled :

An act releasing the lien of a judgment, etc.

Read a first time and referred to Committee on Judiciary.

Senator Ensley introduced Senate Bill No. 243, entitled :

A bill for an act concerning incorporated towns and drainage therein.

Read a first time and referred to Committee on Cities and Towns.

Senator Fowler introduced Senate Bill No. 244, entitled :

An act to amend section two (2) of an act entitled an act to amend an act entitled an act to create a State Normal School, and declaring an emergency, approved December 20, 1865, and adding supplemental sections thereto and providing for certain appropriations, approved March 5, 1873, the same being section 4557 of the Revised Statutes of 1881.

The bill was read a first time and referred to the Committee on Education.

Senator Harness introduced Senate Bill No. 245, entitled :

An act to amend section 24, etc., and to legalize certain acts done thereunder, etc.

Read a first time and referred to Judiciary Committee.

Senator Johnson introduced Senate Bill No. 246, entitled :

A bill to amend the first section of an act authorizing the Boards of Directors of street railway companies to raise funds to discharge the indebtedness of such companies, by making a *pro rata* assessment against stockholders, to make needful rules

in relation thereto, to issue preferred stock, in certain cases, and in relation to the individual liability of stockholders, approved February 28, 1867, and which appears in the Revised Statutes of 1881, as section 4159.

Read a first time and referred to the Committee on Judiciary.

Senator Kennedy introduced Senate Bill No. 247, no title.

The bill was read a first time and referred to the Committee on Labor and Labor Statistics.

Senator Macy introduced Senate Bill No. 248, entitled :

A bill for an act authorizing Boards of County Commissioners to make a second assessment upon real estate to pay the expense and reimburse the county for funds expended in the construction of free gravel roads, and declaring an emergency.

Read a first time and referred to Committee on Roads.

Senator Peterson introduced Senate Bill No. 249, entitled :

A bill for an act entitled an act to amend section 394 of an act entitled an act concerning proceedings in civil cases, approved April 7, 1881, being section 551 of the Revised Statutes of 1881.

Read first time and referred to Committee on Judiciary.

Senator Schloss introduced Senate Bill No. 250, entitled :

An act giving jurisdiction and prescribing service on any insurance company doing business in the State of Indiana.

Read first time and referred to Committee on Insurance.

Senator Shroyer introduced Senate Bill No. 251, entitled :

An act to amend section 1 of an act to amend section 5 of an act entitled an act authorizing the appointment of short-hand reporters for certain courts of record in this State, in counties containing a population of 70,000 or more, and prescribing their duties and compensation of such reporters, approved March 10, 1875, being section 1409 of the Revised Statutes of 1881, approved April 4, 1885.

Read first time and referred to Committee on Judiciary.



Senator Tharp introduced Senate Bill No. 252, entitled :

An act to amend section 147 of an act entitled an act concerning taxation; approved March 29, 1881, being section 6416 of the Revised Statutes of 1881.

Read a first time and referred to Committee on Judiciary.

Senator Trippet introduced Senate Bill No. 253, entitled :

An act to amend section 196 of an act entitled an act concerning proceedings in criminal cases, and declaring an emergency; approved April 19, 1881, being section 1771 of the Revised Statutes of 1881.

Read first time and referred to Judiciary Committee.

Senator Urmston introduced Senate Bill No. 254, entitled :

An act appropriating money for the erection of a school building at the Institution for the Education of the Deaf and Dumb, providing how said money shall be drawn from the State Treasury and expended, and declaring an emergency.

Read a first time and referred to the Committee on Benevolent Institutions.

Senator Winter introduced Senate Bill No. 255, entitled :

An act to legalize sales by guardians under order defective in not prescribing notice.

Read a first time and referred to Committee on Judiciary.

Senator Weir introduced Senate Bill No. 256, entitled :

A bill for an act to amend sections 1 and 6 of an act concerning the relocation of county seats, repealing all laws in conflict therewith; approved April 13, 1885; repealing all laws in conflict with this act, and declaring and emergency.

Read first time and referred to Committee on Cities and Towns.

Senator Bailey introduced Senate Bill No. 257, entitled :

A bill for an act supplemental to an act entitled an act providing for the establishment of a State Bureau of Statistics and Geology, creating the office of chief of such department,

defining his duties, providing for the collection of statistics on agriculture, manufactures, commerce, education, labor, social and sanitary subjects, making said chief Curator of the Geological Cabinet, and appropriating money to carry out the provisions of the act, approved March 29, 1879, and further defining the duties of said chief in the collection of statistics on the subject of labor and industries, compelling corporations and individuals to make reports, allowing the chief to employ an assistant, and appropriating money for the carrying out of its provisions.

Read first time and referred to Committee on Labor and Labor Statistics.

Senator Branaman introduced Senate Bill No. 258, entitled :

A bill to regulate the transportation of freights by railroads and common carriers.

Read first time and referred to Committee on Railroads.

Senator Day introduced Senate Bill No. 259, entitled :

An act to amend section 4 of an act entitled an act to amend the act entitled an act authorizing the construction of plank, macadamized and gravel roads.

Read first time and referred to Committee on Roads.

Senator Harness introduced Senate Bill No. 260, entitled :

A bill for an act to make Memorial or Decoration Day, to-wit: May 30, a legal holiday in the State of Indiana.

Read first time and referred to Committee on Military Affairs.

Senator Kennedy introduced Senate Bill No. 261, entitled :

An act to amend section one of an act entitled: "An act concerning inclosures, trespassing animals, and partition fences," approved June 4, 1852, being section 4834 of the Revised Statutes of 1881.

Read first time and referred to Committee on Agriculture.

Senator Macy introduced Senate Bill No. 262, entitled :

A bill for an act to amend section 255 (Revised Statutes of 1881, section 412), of an act entitled an act concerning proceedings in civil cases, approved September 19, 1881.

Read first time and referred to Committee on Judiciary.

Senator Schloss introduced Senate Bill No. 263, entitled :

An act providing attorneys' fees in cases where insurance companies are sued on claims arising under laws of the State of Indiana.

Read first time and referred to Committee on Insurance.

Senator Schloss introduced Senate Bill No. 264, entitled :

An act regulating persons, associations or corporations engaged in issuing policies of insurance, certificates of benefits, and other evidences of liability on lives and property, prescribing the character of application for same, repealing inconsistent laws, and declaring an emergency.

Read a first time and referred to the Committee on Insurance.

Senator Schloss introduced Senate Bill No. 265, entitled :

An act to regulate the amount of insurance on a single risk in the State of Indiana.

Read first time and referred to Committee on Insurance.

Senator Schloss introduced Senate Bill No. 266, entitled :

An act defining what is capital stock of insurance companies doing business in the State of Indiana.

Read first time and referred to Committee on Insurance.

Senator Sellers introduced Senate Bill No. 267, entitled :

An act prohibiting the maintenance of dams without fish ladders, prescribing forfeitures therefor, and prescribing the duties of township trustees in such cases.

Read a first time and referred to Committee on Judiciary.

Senator Sellers introduced Senate Bill No. 268, entitled :

An act to amend section 5 of an act entitled an act, etc., being section 4029 of the Revised Statutes of Indiana, and declaring an emergency.

Which was read a first time and referred to the Committee on Judiciary.

Senator Trippet introduced Senate Bill No. 269, entitled :

An act to amend sections two hundred and six and two hundred and seven of an act entitled an act concerning proceedings in criminal cases, and declaring an emergency, approved April 19, 1881, being sections 1781 and 1782 of the Revised Statutes of 1881.

Which was read a first time and referred to the Committee on Judiciary.

Senator Urmston introduced Senate Bill No. 270, entitled :

An act incorporating the Indiana Swine Breeders' Association, defining its powers, objects, and making appropriation to aid the same, etc., and declaring an emergency.

Which was read a first time and referred to the Committee on Agriculture.

Senator Johnson presented a petition from the citizens and voters of Wayne County, Indiana, which was referred to the Joint Committee on Women's Claims without reading.

Senator Rahm presented two petitions, which were referred to the Committee on Temperance without reading.

Senator Urmston introduced Senate Bill No. 271, entitled :

An act providing for the election, prescribing the powers and duties, and fixing the compensation of the Attorney General of Indiana, and providing for the purchase of books for such officer, and repealing all laws in conflict herewith, and sections 4 and 10 of an act entitled an act supplemental to an act entitled an act to provide for the election, fixing the compensation and prescribing the duties of the Attorney General

of the State of Indiana, approved February 21, 1855, and repealing an act entitled an act to amend sections 4 and 7 of an act to provide for the election, fixing the compensation and prescribing the duties of the Attorney General of the State of Indiana, approved June 3, 1861, and prescribing additional duties of Clerks of Circuit Courts, and Prosecuting and District Attorneys, approved March 10, 1873, and declaring an emergency.

Read a first time and referred to the Committee on Fees and Salaries.

Senator Winter introduced Senate Bill No. 272, entitled :

A bill for an act providing for the payment of a debt due Peter Routier, from the State of Indiana.

Which was read a first time and referred to the Committee on Claims.

Senator Winter introduced Senate Bill No. 273, entitled :

A bill for an act to amend section 2049 of the Revised Statutes of 1881.

Read a first time and referred to the Committee on Judiciary.

Senator Winter introduced Senate Bill No. 274, entitled :

An act to practice on appeals in certain cases.

Which was read a first time and referred to the Committee on Judiciary.

Senator Winter introduced Senate Bill No. 275, entitled :

An act to amend section 14 of an act entitled an act to provide for organizing and regulating the business of life insurance corporations, associations and societies, transacting business on what is known as the Assessment Plan, and fixing penalties for the violation of its provisions, and declaring an emergency, approved March 9, 1883.

Which was read a first time and referred to the Committee on Insurance.

Senator Davis introduced Senate Bill No. 276, entitled :

An act to amend section 1 of an act providing for the construction and repairing of fish ladders, defining certain misdemeanors, providing penalties, and declaring an emergency, approved March 5, 1885.

Read a first time and referred to Committee on Judiciary.

Senator Macy called up Senate Bill No. 44, which was read a second time.

• The report of the committee was read.

On motion the report was concurred in.

Senate Bill No. 68 was called up.

The bill was read a second time.

The report of the committee was read.

Senator Ensley made the following motion :

MR. PRESIDENT :

I move that Bill No. 68 and Bill No. 27 be submitted to a special committee of five, with instructions to report thereon on Monday at 2 o'clock, and that it be made a special order for that hour.

Senators Ensley, Campbell, Bailey, Barrett and Logsdon were appointed as said committee.

Senator Davis was granted a leave of absence for to-morrow.

Senator Fowler, from the Committee on Enrolled Bills, offered the following report :

MR. PRESIDENT :

Your Joint Committee on Enrolled Bills would report that they have delivered to the Governor for his consideration House Enrolled Act No. 70.

Senator Johnson moved that when the Senate adjourn, it adjourn until 10 o'clock to-morrow morning.

Carried.

On motion of Senator Johnson the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

## FRIDAY MORNING.

FEBRUARY 11, 1887.

The Senate met in regular session at 10 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by Senator Smith of Wells.

On motion of Senator Shively the reading of the journal was dispensed with.

Senator Shively offered Senate Resolution No. 70, as follows, and moved its adoption :

*Resolved*, That a select committee of five be appointed, whose duty it shall be to make an immediate investigation as to the control and management of the benevolent institutions of this State; that is to say, the Hospital for the Insane, the Deaf and Dumb Asylum, the Blind Asylum, all of which benevolent institutions are located in this city, or immediate vicinity. Said investigation shall especially be conducted to ascertain whether the inmates are supplied and fed with good and wholesome food; whether the sanitary regulations are of the best and most approved character, and whether the management and control of the said institutions by those in charge of the same are conducted in a prudent and humane manner, and said committee shall have full power to inquire into and investigate all purchases or contracts made or entered into by the Superintendent or other persons for the purchase of provisions, fuel, or other articles for the use and benefit of the inmates of said benevolent institutions, and shall have full power to send for persons to appear before the said committee as witnesses, and for papers necessary to enable the committee to make a full and searching investigation as to the management of said institutions, and the Chairman of the committee is hereby authorized to administer the necessary oath, or affirmation, to witnesses to qualify them to testify before the said committee, and report the result of such examination to this Senate.

Senator Weir offered the following amendment to Resolution No. 70:

That any person or persons having any knowledge of abuses are invited to appear before such committee, and that the Door-keeper be instructed to provide a room for the meetings of the committee.

Amendment accepted.

The following message was received from the House:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has adopted Engrossed House Concurrent Resolution No. 13, relating to the taking of Levi Kessler, a convict, to the State of Ohio.

Also, Engrossed House Concurrent Resolution No. 14, assigning a room in the State House for the use of the Adjutant General of the Grand Army of the Republic.

Also, Engrossed House Concurrent Resolution No. 12, constituting the Governor, Auditor of State, Attorney General and Adjutant General a board to compute and audit the claims of certain militia men, and the same are herewith transmitted.

W. H. SMITH,  
Clerk.

The following concurrent resolution—No. 13—accompanying the above message:

A concurrent resolution providing authority for the taking of Levi Kessler, a convict, to Lima, Allen County, Ohio.

*Be it resolved by the General Assembly of the State of Indiana, That the Warden of the State Prison North is hereby authorized, upon the written application of the Governor of the State of Ohio, to send Levi Kessler, an inmate of said prison, in the custody of a guard or guards, to Lima, Allen County, Ohio, to give testimony in a criminal case there pending. Said application from the Governor of the State of Ohio to be honored upon the prepayment of the expenses that will be incurred in the transportation of said Levi Kessler and the guard or guards from Michigan*



City to Lima and return, and upon the guaranty of the Governor of Ohio that said Kessler shall be safely kept within the State of Ohio and safely returned to the State Prison North at Michigan City.

The following is Concurrent Resolution No. 14:

*Resolved by the House of Representatives, the Senate concurring,* That the State House Commissioners be requested to assign and fit up in a suitable manner a room in the State House for the use of the Adjutant General of the Grand Army of the Republic, and for the safe-keeping and preservation of the records and archives of the Department of Indiana; and that the room, with its location and number, be tendered to the Department Commander at the coming annual encampment. And that the room be situated convenient to the library or to the Adjutant General's office.

The following is Engrossed House Concurrent Resolution No. 12:

WHEREAS, This General Assembly, at a previous session, appropriated certain sums of money for the payment of claims of volunteers, minute men, Indiana Legion and militia that had been called into service by the Governor of the State; and

WHEREAS, There is no way provided by which said claims can be accurately ascertained, computed and audited; be it therefore

*Resolved by the House of Representatives, the Senate concurring,* That the Governor, or his secretary acting for him, the Auditor, or his deputy acting for him, the Attorney General, or his assistant acting for him, and the Adjutant General, be and they are hereby appointed a commission to proceed to the county seats of the counties in which the aforesaid volunteers, minute men, Indiana Legion and militia were raised and mustered, to hear testimony as to the actual service performed by said claimants, and audit complete and allow to said claimants such sums as they are entitled to under the law for actual service performed, and that the actual and necessary expenses of said commissioners in regard to said matter be paid out of the appropriation before mentioned.

Senator Sellers moved that the consideration of House Concurrent Resolution No. 13 be made a special order for 11:30 o'clock next Tuesday morning.

Carried.

Senator Weir was granted a leave of absence until next Monday at 10 o'clock A. M.

The following message was received from the House :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the Senate amendments to Engrossed House Bill No. 14, relating to the payment of wages.

W. H. SMITH,  
Clerk.

The question being on the motion to adopt Senate Resolution No. 70.

Senator French demanded the previous question.

The Senate did not second the demand for the previous question.

Senator Tharp was granted leave of absence until 2 o'clock this evening.

The question being on the motion to adopt Senate Resolution No. 70.

Senator French again demanded the previous question.

Pending action on the demand for the previous question,

On motion of Senator Winter, the Senate adjourned.

## AFTERNOON SESSION.

FEBRUARY 11, 1887.

The Senate met, pursuant to adjournment, at 2 o'clock.

Hon. A. G. Smith, President of the Senate, in the chair.

Senator Bailey, offered the following preamble to the resolution offered by Senator Shively, and moved its adoption :

WHEREAS, Wm. D. Foulke, heading an alleged civil service reform committee, did, on the eve of the campaign of 1886, make certain charges against the management of the Indiana Hospital for the Insane; and,

WHEREAS, The people and tax-payers of Indiana are entitled to a full and true investigation of said charges, to the end that they may know whether the same are founded on truth or made for partisan and corrupt purposes; and,

WHEREAS, Certain Republican papers in this and other States have joined the Republican leaders in promulgating to the world the result of said investigation as a true and impartial report; therefore, be it resolved.

Accepted by Senator Shively.

The following message was received from the House :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has adopted Engrossed Senate Concurrent Resolution No. 7, relating to the payment of certain claims, and the same is herewith returned to the Senate.

W. H. SMITH,  
Clerk.

Senator McDonald offered the following amendment to Senator Shively's resolution :

Be it further moved that, to the end that said investigation may be thorough and complete, said committee is hereby empowered to employ sufficient clerical and short-hand force to

take down, for preservation, the evidence taken before said committee, and to further employ, if deemed necessary, sufficient legal talent to direct and conduct the examinations before the same.

Accepted by Senator Shively.

Senator Winter offered the following amendment to Resolution No. 70:

MR. PRESIDENT:

Insert, after the word "food," the words "whether or not there has been any cruelty or negligence in the care of patients."

Amendment accepted.

The question recurring on the motion to adopt Senator Shively's resolution, being Senate Resolution No. 70.

The resolution was adopted.

Senator French offered the following resolution:

*Resolved*, That the Secretary of the Senate be directed to draw a requisition upon the Contractor for the Public Printing, Binding and Stationery for fifty each of the Senate and House Keystone Legislative Bill Files, and that the President of the Senate be directed to draw a warrant for the payment of the same, at the price of one dollar and twenty-five cents for each file, upon the delivery of the same to the Secretary of the Senate.

The resolution was lost.

The following message was received from the House:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed Enrolled House Act No. 14, a bill to regulate the payment of wages, and the same is herewith transmitted to the Senate for the signature of the President.

W. H. SMITH,  
Clerk of the House.

Senator Sellers called up House Concurrent Resolution No. 13, which was read.

Senator Sellers moved that the Resolution be referred to the Committee on Judiciary.

The motion carried.

Senator French introduced Senate Bill No. 277, entitled:

A bill for an act approving the action of the Governor in relation to the claim of the State of Indiana against the General Government for swamp land indemnity, and authorizing the payment of the compensation due the agent appointed to prosecute the same.

Read first time and referred to Committee on Finance.

Senator Hale introduced Senate Bill No. 278, entitled:

An act to legalize the acts of the officers of the town of Dunkirk, Jay County, Indiana.

Read a first time and referred to Committee on Judiciary.

Senator Dresser introduced Senate Bill No. 279, entitled:

A bill for an act directing the copying, filing and indexing of certain land records of the State, making certified copies of the same competent evidence in all courts, etc.

Read a first time and referred to Committee on Finance.

Senator McClure introduced Senate Bill No. 280, entitled:

An act to amend section 24 of an act entitled an act concerning taxation, approved March 29, 1881, the same being section 6293 of the Revised Statutes of 1881, and to provide for the manner of the assessing of steamboats and other water craft.

Read first time and referred to Committee on County and Township Business.

Senator Dresser introduced Senate Bill No. 281, entitled:

A bill for an act to amend an act in relation to promissory notes, bank checks and bills of exchange, and to designate the holidays to be observed in the presentment, acceptance and

payment of the same, approved March 16, 1875, and being section 5517 of Revised Statutes of 1881, and declaring an emergency.

Which was read a first time and referred to Committee on Judiciary.

Senator Dresser introduced Senate Bill No. 282, entitled:

A bill for an act to pay Bert P. Davidson, stenographer, for services in reporting the case of the State ex rel. Baldwin vs. County Commissioners of Tippecanoe, and declaring an emergency.

Read first time and referred to Committee on Claims.

Senator DeMotte introduced Senate Bill No. 283, entitled:

An act for the relief of the widow and heirs of Ernst W. Holman.

Read a first time and referred to Committee on Claims.

Senator Day introduced Senate Bill No. 284, entitled:

A bill for an act to amend section 1 of an act entitled an act to amend section 1 of an act entitled an act regulating foreign insurance companies doing business in this State, prescribing the duties of the agents thereof, and of the Auditor of State in connection therewith, and prescribing penalties for the violation of the provisions of this act, approved December 21, 1865, and adding supplemental section thereto, approved March 8, 1877, being section 3765 of the Revised Statutes of 1881.

Read first time and referred to Committee on Insurance.

Senator Ensley introduced Senate Bill No. 285, entitled:

A bill for an act prohibiting the sale of cigars, etc., to minors.

Read a first time and referred to the Committee on Temperance.

Senator French, from special committee on Senate Bill No. 236, made the following report:

MR. PRESIDENT:

Your special committee of five, to whom was referred Senate Bill No. 236, has had the same under consideration, and begs leave to make the following report:

*First.* That said bill be amended as follows, to-wit: By striking out of line 4, of section 2, the words, "to the Clerk of the Supreme Court."

*Second.* By adding to said bill the following sections, numbered 3, 4 and 5, to-wit:

SEC. 3. It shall be the duty of the Judges of said court to audit the expenses so incurred under their direction, and deliver the same to said Clerk, who shall present such accounts, when so audited, to the Auditor of State. And, thereupon, it shall be the duty of said Auditor to issue his warrant to said Clerk upon the Treasurer of State, whose duty it shall be to pay the same.

SEC. 4. That, after all of said work shall have been done to the satisfaction of said Judges and paid for out of the moneys herein appropriated, should any part or balance of said moneys be unexpended, such balance shall revert back into the State Treasury.

SEC. 5. (See foot of original bill.)

Senator Logsdon, from the Committee on Corporations, offered the following report on Senate Bill No. 65:

MR. PRESIDENT:

Your Committee on Corporations, to whom was referred Senate Bill No. 65, introduced by Senator Tharp, has, after careful consideration, directed me to report that it be indefinitely postponed, for the reason that a bill has been passed by this General Assembly embodying the same provisions.

Senator Bailey, from the Committee on Labor and Labor Statistics, made the following report on Senate Bill No. 247:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 247, have had the same under consideration, and respectfully report the same back to the Senate with recommendation that it do pass.

Also, the following report on Senate Bill No. 257:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 257, would respectfully report that they have had the same under consideration, and recommend that the same do pass.

Also, on Senate Bill No. 238:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 238, have had the same under consideration, and would respectfully report the same back to the Senate with the recommendation that it do pass.

Also, the following report on Senate Bill No. 171:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 171, have had the same under consideration, and would respectfully report the same back to the Senate with the recommendation that the same do pass.

Senator Sellers, from the Committee on Judiciary, made the following report on Senate Bill No. 113:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 113, introduced by Senator Logsdon, begs leave to submit the following report:

A majority of your committee recommends that said bill be indefinitely postponed.



Also, the following minority report from said committee :

MR. PRESIDENT :

A minority of your Committee on Judiciary, to whom was referred Senate Bill No. 118, begs leave to report, recommending that said bill be passed.

Senator Sellers, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred Senate Bill No. 140, introduced by Senator Campbell, having had the same under consideration, begs leave to recommend that all of said bill following the word "election," in line 7 of section 1 of said bill, be stricken out, and the following inserted in lieu thereof, to-wit :

"Persons shall be elected to fill all existing vacancies in office, and all vacancies in the offices of Clerk of the Circuit Court, Auditor, Recorder, Treasurer, Sheriff, Coroner and Surveyor of any county, and in the offices of Judge of any Circuit, Criminal or Superior Court, or Prosecuting Attorney, where the term of the incumbent thereof will expire on or before the 1st day of January next succeeding said election, and in all other offices where the term of the incumbent thereof will expire before the next general election thereafter, unless otherwise provided by law."

Your committee would further recommend that the title of said bill be stricken out and the following adopted in lieu thereof, to-wit :

"An act to amend section one (1) of an act concerning elections, and the contest thereof, approved April 21, 1881, being section 4678 of the Revised Statutes of 1881," and that when the same be so amended that it be passed.

Senator Sellers moved that the report of the Judiciary Committee on Senate Bill No. 140 be concurred in.

The motion carried.

Senator Smith of Wells offered the following resolution, No. 72:

MR. PRESIDENT:

WHEREAS, George Russ, one of the Senate Pages, performed five days' work, prior to his appointment, for which he has not received any pay; therefore, be it

*Resolved*, That the Assistant Secretary is hereby instructed to draw a warrant in favor of said Geo. Russ for \$10, in payment for the services rendered as herein specified.

Resolution adopted.

Senator Smith of Wells, offered Senate Resolution No. 73, as follows:

MR. PRESIDENT:

WHEREAS, Richard Brown, performed eleven days' work upon the floor of the Senate, prior to his appointment as Page; therefore, be it

*Resolved*, That the Assistant Secretary is hereby instructed to draw a warrant in favor of Richard Brown for \$22.00 in payment for said services.

Resolution adopted.

Senator Bailey called up Senate Bill No. 67.

The majority report of the committee on said bill was read.

The minority report of said committee on said bill was also read.

Senator Bailey moved that the majority report be concurred in.

The motion carried.

Senator Cox was granted a leave of absence until next Monday evening.

The President of the Senate announced that he had signed Engrossed House Bill No. 14.

Senator Cox, from the Committee on Insurance, made the following report on Senate Bill No. 185:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 185, introduced by Senator Fowler, have had the same under consideration, and direct me to report the same back to the Senate with a recommendation that it do pass.

Also, the following report on Senate Bill No. 66:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 66, introduced by Senator Zimmerman, have had the same under consideration, and direct me to report the same back to the Senate with a recommendation that it be indefinitely postponed.

Senator Cox moved that Senate Bill No. 20 be recommitted to the Committee on Judiciary.

The motion carried.

Senator Smith of Wells called up Senate Bill No. 8.

The bill was read a second time.

The report of the committee was concurred in.

Senator Bailey moved that Senate Bill No. 8 be engrossed.

The motion carried.

Senator Cox presented a petition from the citizens of Morgan county requesting the enactment of a fee and salary law.

Read and referred to Committee on Fees and Salaries.

On motion of Senator French the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

## SATURDAY MORNING.

FEBRUARY 12, 1887.

The Senate met in regular session at 10 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by Rev. C. H. McDowell, of the Baptist Church, Indianapolis.

The reading of the journal was being proceeded with, when on motion of Senator French its further reading was dispensed with.

Senator Bailey called up Senate Bill No. 223.

The bill was read a second time, and the report of the committee was concurred in.

On motion of Senator Bailey the bill was ordered engrossed.

Senator Griffith presented a petition, which was referred to the Committee on Labor without reading.

Senator Fowler presented a petition from citizens of Clay County, praying the Senate to enact a law requiring in all public schools instruction in physiology and hygiene, with special reference to the nature of alcoholic drinks and narcotics and their effects upon the human system.

Referred to Committee on Education without reading.

Senator Duncan of Brown called up Senate Bill No. 99.

The bill was read a second time with the report of the committee.

Senator Kennedy was granted a leave of absence until next Monday.

The following message was received from the House :

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 109, a bill for the appointment of a Live Stock Sanitary Commission, and the same is herewith transmitted to the Senate.

W. H. SMITH,  
Clerk of the House.

The following message was received from the House :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 10, a bill fixing rate of interest on school fund, and the same is herewith transmitted to the Senate.

W. H. SMITH,  
Clerk of the House.

Senator Campbell moved that when the Senate adjourn it adjourn until Monday next at 11 o'clock A. M.

Senator Dresser was given leave of absence until next Tuesday.

Senator Fowler was granted a leave of absence until next Tuesday.

On motion of Senator Duncan, Senate Bill 99 was made a special order for next Wednesday morning at 10:30 o'clock.

Senator Bailey introduced Senate Bill No. 286, entitled :

An act authorizing a debt to be contracted on behalf of the State of Indiana by making a loan of money to meet casual deficits in the revenues and to pay interest on the State debt, and declaring an emergency.

Read first time and referred to Committee on Finance, with instructions to report next Monday.

Senator Rahm moved to make Senate Bill No. 7 a special order for next Monday afternoon at 2:30 o'clock.

The motion carried.

Senator Thompson of Marion moved that Senate Bill No. 162 be made a special order for next Wednesday afternoon at 2 o'clock.

The motion was carried.

Senator Schloss called up Senate Bill No. 13.

The bill was read a second time, with the report of the committee thereon.

The question recurring on the motion to concur in the report of the committee on Senate Bill No. 13.

The motion carried and the report of the committee was concurred in.

The following message was received from the House :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 15, a bill to amend section 3 of the gravel road law, and the same is herewith transmitted to the Senate.

W. H. SMITH,  
Clerk of the House.

Senator Johnson offered the following amendment to substitute for Senate Bill No. 13 :

MR. PRESIDENT :

I move to amend substitute for Senate Bill No. 13 by inserting the words "at any time after thirty days from the appointment of the Board of Examiners provided for in section 2 hereof," after the word "Indiana," in line 2 thereof.

Adopted.

Senator Thompson of Marion presented amendment No. 2 to Senate Bill No. 13, as follows :

Amend by inserting "Clerk of the Circuit Court" wherever "Board of Examiners" is mentioned in said bill.

The amendment was lost.

Senator Tharp offered the following amendment to Senate Bill No. 13:

MR. PRESIDENT :

I move to strike out the words "present to," in line 1, section 5, and insert the words "file before."

Amendment adopted.

Senator Johnson offered amendment No. 4 to Senate Bill No. 13, as follows:

MR. PRESIDENT:

I move to amend substitute for Senate Bill No. 13 by striking out the word "attested," in line 2 of section 5 of said bill, and by inserting the following words in lieu thereof, to-wit: "And sworn to also."

Adopted.

The following message was received from the House:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed Engrossed House Bill No. 64, a bill amending an act for the election and qualification of Justices of the Peace, and the same is herewith transmitted to the Senate.

W. H. SMITH,  
Clerk.

The following message was received from the House:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 293, a bill relating to mechanics' liens, and the same is herewith transmitted to the Senate.

W. H. SMITH,  
Clerk of the House.

Senator French moved that Senate Bill No. 13 be engrossed as amended.

The motion carried.

Senator Smith of Wells made the following motion:

MR. PRESIDENT:

I move to refer Senate bill No. 31 to a special committee of one with instructions to amend by striking out all after the word "and" in line 13, section 1, and all of line 14, up to and including the word "case," in same section.

Motion adopted, and referred to a special committee of one, consisting of Senator Smith of Wells.

Senator Zimmerman offered Senate Resolution No. 74, as follows:

*Resolved by the Senate, That Rule No. 1 be amended to read as follows:*

The President shall take the chair every day precisely at 9:30 o'clock in the forenoon.

Referred to the Committee on Rules.

Senator Tharp called up Senate Bill No. 217.

The bill was read a second time with the report of the committee thereon.

The report of the committee was concurred in.

Senator Sellers, from the Committee on Judiciary, offered the following report on House Concurrent Resolution No. 13:

MR. PRESIDENT:

Your committee, to whom was referred House Concurrent Resolution No. 13, respectfully recommend that it be indefinitely postponed.

The report was concurred in.

The President of the Senate appointed Senators Shively, Bailey, Griffith, Huston and Sears as a special committee to investigate the management of the benevolent institutions.

Senator Sellers, from the Committee on Judiciary, made the following report on Senate Bill No. 188:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 188, introduced by Senator Macy, having considered the same, begs leave to report, recommending the following be substituted for the pending bill, to-wit:

A bill for an act to amend sections 213 and 215 of an act entitled an act concerning proceedings in criminal cases, approved April 19, 1881, being sections 1788 and 1789 Revised Statutes of 1881.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That sections 213 and 215 of the above entitled act,*



being sections 1788 and 1789, Revised Statutes of 1881, be and the same is hereby amended so as to read as follows:

SEC. 213. Every person who shall aid or abet in the commission of any felony, or who shall counsel, encourage, hire, command, or otherwise procure such felony to be committed, shall be deemed an accessory before the fact, and may be charged, indicted, tried, convicted and punished in the same manner as if he were principal, and either before or after the principal is charged, indicted, convicted or punished; and, upon such conviction, he shall suffer the same punishment and penalties as prescribed by law for the punishment of the principal.

SEC. 2. And that section 215 be amended so as to read as follows:

Section 215. Every person not standing in the relation of husband and wife, parent or grand parent, child or grandchild, mother or sister, by consanguinity or affinity, or master or apprentice to any person guilty of any felony, who shall after the commission of such crime harbor, conceal, aid or assist any such offender with intent that he shall escape from detection, arrest or punishment, shall be deemed an accessory after the fact, and he may be charged, indicted, tried, convicted and punished in the same manner as if he were a principal, though the principal be neither charged, indicted nor tried; and, upon conviction, be fined not less than fifty nor more than one thousand dollars, to which may be added imprisonment in the County Jail not more than one year, or imprisonment in the State prison for a term not less than two years nor more than twenty five years.

And that said substituted bill be passed.

Senator Sellers, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 59, introduced by Senator Macy, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be passed.

Also,

**MR. PRESIDENT :**

Your Committee on Judiciary, to whom was referred Senate Bill No. 167, introduced by Senator French, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be indefinitely postponed.

Also,

**MR. PRESIDENT :**

Your Committee on Judiciary, to whom was referred Senate Bill No. 161, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be indefinitely postponed.

Also, on Senate Bill No. 179, as follows :

**MR. PRESIDENT :**

Your Committee on Judiciary, to whom was referred Senate Bill No. 179, introduced by Senator Davis, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be indefinitely postponed.

Also,

**MR. PRESIDENT :**

Your Committee on Judiciary, to whom was referred Senate Bill No. 183, introduced by Senator Griffith, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be passed.

Also,

**MR. PRESIDENT :**

Your Committee on Judiciary, to whom was referred Senate Bill No. 187, introduced by Senator Andrew, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be indefinitely postponed.

Also, on Senate Bill No. 192, as follows:

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred Senate Bill No. 192, introduced by Senator Winter, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be passed.

Also,

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred Senate Bill No. 165, introduced by Senator Bailey, having had the same under consideration, begs leave to report, recommending that the enacting clause be stricken out and the following inserted in lieu thereof, to-wit:

That section sixteen of the above entitled act be amended to read as follows:

Whoever unlawfully has carnal knowledge of a woman forcibly against her will, or of a female child under fifteen years of age, is guilty of rape, and, upon conviction thereof, shall be imprisoned in the State prison not more than twenty-one nor less than five years.

That the title of said bill be stricken out and the following adopted as the title of the bill, to-wit:

An act to amend section sixteen (16) of an act entitled "An act concerning public offenses and their punishment," approved April 14, 1881, being section 1917 of the Revised Statutes of 1881.

And that when said bill is so amended, that it do pass.

Also, on Senate Bill No. 200, as follows:

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred Senate Bill No. 200, introduced by Senator Sears, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be indefinitely postponed.

Also, on Senate Bill No. 242, as follows:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 242, introduced by Senator Drake, having had the same under consideration, begs leave to submit the following report: Your committee recommends that said bill be passed.

Also, the following report on Senate Bill No. 262:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 262, introduced by Senator Macy, having had the same under consideration, begs leave to submit the following report: Your committee recommends that said bill be indefinitely postponed.

Also, on Senate Bill No. 255, as follows:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 255, introduced by Senator Winter, having had the same under consideration, begs leave to submit the following report: Your committee recommends that said bill be passed.

Also, the following report on Senate Bill No. 267:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 267, introduced by Senator Sellers, having had the same under consideration, begs leave to submit the following report: Your committee recommends that said bill be passed.

Also,

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 268, introduced by Senator Sellers, having had the same under consideration, begs leave to submit the following report: Your committee recommends that said bill be passed.

Senator Drake moved that Senate Bill No. 242 be taken up and read a second time, that the report of the committee be concurred in, and that the bill be ordered engrossed.

The motion carried.

The bill was read a second time and the report of the committee was concurred in, and the bill was ordered engrossed.

Senator Bailey called up House Concurrent Resolution relating to the purchase of a residence for the Governor and moved its adoption.

The following message was received from the House :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bill No. 19, a bill authorizing cities and towns to fund their indebtedness, and the same is herewith transmitted to the Senate.

W. H. SMITH,  
Clerk of the House.

Senator Smith of Wells, from the special committee to whom was referred Senate Bill No. 31, reported as follows :

MR. PRESIDENT :

Your special committee, to whom was referred Senate Bill No. 31 for amendment, reports that upon investigation your committee finds that a substitute for the original bill has been offered by Senator T. E. Howard of St. Joseph, which substitute does not require the amendment asked for, and your committee recommend that said substitute be adopted, and 100 copies of the substitute be printed.

The report was concurred in.

The question being on the motion of Senator Bailey to adopt House Concurrent Resolution.

Pending the discussion of said motion.

On motion of Senator DeMotte the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

## MONDAY MORNING.

FEBRUARY 14, 1887.

The Senate met in regular session at 11 o'clock, Hon. A. G. Smith, President, in the chair.

Opened with prayer by Rev. C. T. White, of the Presbyterian Church, of Portland, Ind.

The reading of the journal was being proceeded with when, on motion of Senator Shively, its further reading was dispensed with.

Senator Shively, from the special committee appointed to investigate the management of the Benevolent Institutions, resigned the chairmanship of said committee on account of ill-health.

The President of the Senate announced that the resignation was accepted, and that he would appoint a chairman of said committee some time during the day.

Senator Huston offered a resolution providing for the employment of an attorney and stenographer to assist the special committee appointed to investigate the management of the Benevolent Institutions in their investigation, and moved its adoption.

Senator Sellers raised the point of order that the resolution was out of order because it set out that the committee was not composed of a committee of a whole, but as a majority and a minority part of said committee as provided for in said resolution.

The President of the Senate sustained the point of order, and declared the resolution out of order.

Senator Huston declined to serve on the special committee appointed to investigate the management of the Benevolent Institutions, and asked to be relieved from serving on said committee.

On motion of Senator Sellers the Senate adjourned.

## MONDAY AFTERNOON.

FEBRUARY 14, 1887.

The Senate met pursuant to adjournment at 2 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Senator Griffith introduced Senate Bill No. 287, entitled :

An act to provide for the appointment and compensation of a Custodian of Public Buildings and Property, and prescribing his duties and compensation.

Read first time and referred to Committee on Public Buildings.

Senator Griffith introduced Senate Bill No. 288, entitled :

An act providing for a settlement with the new State House Commissioners when the State Capitol building now being constructed shall be fully completed and ready to be turned over, with the keys of the same, to the State, as contemplated by the act creating the Commission.

Read a first time and referred to the Committee on Public Buildings.

Senator French moved to reconsider the vote by which the motion to adopt the resolution to investigate the management of the State benevolent institutions was carried.

The following message was received from the House :

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 66, a bill regulating the running of traction engines over roads, etc., and the same is herewith transmitted to the Senate.

W. H. SMITH,  
Clerk.

The consideration of House Bill No. 7, being the special order of this hour (2 o'clock P. M.), the same was taken up.

The bill was read a second time, with the report of the committee thereon.

Senator Campbell moved that Senate Bill No. 7 be indefinitely postponed.

The following message was received from the House :

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 289, a bill to prohibit the transfer or assignment of claims, and providing against unjust garnishments, and the same is herewith transmitted to the Senate.

W. H. SMITH,  
Clerk of the House.

The following message was received from the House :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has adopted House Concurrent Resolution No. 16, instructing Indiana's Representatives in the Congress of the United States to urge the passage, over the President's veto, of an act providing for the pensioning of dependent parents and certain honorably discharged soldiers and sailors, and the same is herewith transmitted to the Senate.

W. H. SMITH,  
Clerk of the House.

The following House Concurrent Resolution accompanied the above message:

WHEREAS, A bill for "an act for the relief of dependent parents and honorably discharged soldiers and sailors, who are now disabled and dependent upon their own labor for support" has been passed by the House of Representatives, under a suspension of the rules, by a vote of 180 yeas to 76 nays, and by the Senate of the United States without a division; and,

WHEREAS, Said bill has been vetoed by the President; and,

WHEREAS, The relief which would have been afforded by said bill is greatly needed by a large number of men who counted not the cost, but who gladly entered the service of their country, willing to make any sacrifice to perpetuate its life, and who through no fault of their own are now incapacitated by reason of mental or physical disability, from the performance of labor, in such a degree as to render them unable to earn a support; and,



WHEREAS, It would be a lasting shame and disgrace to the people of this land, and a reflection upon their patriotism, to permit these survivors of the late civil war to become objects of private charity, or be compelled to spend the remainder of their days in poor houses; therefore, be it

*Resolved by the House of Representatives, the Senate concurring,* That we heartily commend the action of the Senators and Representatives in Congress from the State of Indiana, in their support and advocacy of said bill, and that we greatly regret the fact of the President's veto of the same, and that we believe that an urgent necessity exists for the passage of such a bill, and our Senators are hereby instructed, and the Representatives in Congress from Indiana, are hereby requested to use all proper means to secure the passage of said bill, notwithstanding the President's veto.

MR. PRESIDENT :

I move the adoption of the foregoing preamble and resolution.

JOSEPH STUBBLEFIELD.

The question being, Shall Senate Bill No. 7 be indefinitely postponed?

The ayes and noes were demanded and taken and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Branaman, Campbell, Davis, Day, DeMotte, Drake, Dresser, Duncan of Brown, Ensley, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Mullinix, Peterson, Shroyer, Sears, Smith of Wells, Thompson of Marion, Winter. Total, 23.

Those voting in the negative were:

Senators Bailey, Barrett, Bryant, Cox, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Rahm, Sellers, Shively, Tharp, Trippet, Urmston, Zimmerman, Mr. President. Total, 20.

So the motion carried and the bill was indefinitely postponed.

Senator Huston moved to reconsider the vote by which Senate Bill No. 7 was indefinitely postponed, and to lay that motion on the table.

The ayes and noes were demanded and taken and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Branaman, Campbell, Davis, Day, DeMotte, Drake, Dresser, Ensley, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Mullinix, Peterson, Shroyer, Sears, Smith of Wells, Thompson of Marion, Winter. Total, 22.

Those voting in the negative were:

Senators Bailey, Barrett, Bryant, Cox, Duncan of Brown, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Rahm, Sellers, Shively, Tharp, Trippet, Urmston, Zimmerman, and Mr. President. Total, 21.

So the motion carried.

The President of the Senate presented the following communication:

*To the President of the Senate:*

Judge Cooley will deliver an address before the Indiana Historical Society on Wednesday evening, February 16, at the Meridian-Street Church of this city. His subject will be "The Acquisition of Louisiana." Through you we take pleasure in extending an invitation to the Senators to attend.

Yours, etc.,

A. C. HARRIS,  
D. W. HOWE,  
JNO. R. WILSON,  
Committee.

Senator Macy, from the Special Committee on Senate Bills Nos. 27 and 68, offered the following report:

## SUBSTITUTE BILLS Nos. 27 AND 68.

MR. PRESIDENT :

Your special committee, to whom was referred Senate Bills Nos. 27 and 68, having had the same under consideration, begs to report that we report the same back to the Senate with a recommendation that the title to said Bill No. 68 be amended so as to read as follows :

A bill for an act to maintain political purity, to authorize the holding of primary election by political parties and associations in any district, county or municipal corporation, to appoint supervisors to conduct the same, to prescribe rules for the conduct thereof, and forbidding the purchase and sale of votes at such primary or any general election or convention, and prescribing punishment therefor.

That all after the enacting clause of said bill be stricken out and the following substituted therefor, to wit :

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That when any voluntary political association or party in any district, county, township or municipal corporation, causes notice of the holding of any primary election, to be published as provided in the next two sections, such election shall be held and conducted under the provisions of this act.

SEC. 2. Such notice must be ordered by a vote of a majority of the Central or Controlling Committee of such association or party, and state the authority by which it is published, the places, purpose, time, and manner and conditions of holding such election, the name of a legal voter of the precinct who is to preside and supervise at each poll, and shall prescribe the qualifications, if not inconsistent with the provisions of this act, of the persons to vote at such election.

SEC. 3. At least five days previous to any such election such notice shall be published in newspapers printed and of general circulation in each county of the district, or, where the election is held in the territory of a single county, in such newspaper of that county, but the publication shall not be required in any county in which no newspaper is printed. The notice shall also be posted in at least three public places in each precinct within the territory in which the election is to be held, and

proof that the notice was so posted in the other precincts shall not be required to show that any such election was legally held at any precinct in which the same was posted.

SEC. 4. The person named in the notice as the Supervisor, or, in his absence or refusal to serve, the person assuming or chosen by the electors present to be such Supervisor, shall take an oath that he will correctly and faithfully conduct such election, protect it against all frauds, unfairness and carefully and truly canvass all such votes cast thereat in the manner required by the authority appointing the election, and, thereupon, the Supervisor shall cause the electors present possessing the qualifications of persons entitled to vote at such election under the notice to choose two judges and two clerks of the election, to assist him in receiving and taking account of the votes cast, to each of whom shall be administered the same oath taken by the Supervisor, and a Township Trustee, Justice of the Peace, Notary Public or a Supervisor of Election, who has been duly sworn, may administer the oath prescribed in this section.

SEC. 5. A qualified voter under the notice may challenge any vote offered, because the person offering it is not entitled to vote under the notice, or is not a citizen of the United States, or can not be at the next election a legal voter of the precinct, or has received or been promised, directly or indirectly, any money, fee or reward, for his vote for any candidate at such election, or has voted before on the same day at that or some other precinct in the same election.

SEC. 6. Thereupon the Supervisor, or one of the judges, shall administer to the person offering to vote an oath that he will true answers make to such questions as may be put to him touching his qualifications to vote at such election and shall interrogate him as to his qualifications. If such person refuses to be sworn, or, being sworn, refuses to answer any question, his vote shall be rejected. But if the oath be taken, and the question answered satisfactorily, and he be not successfully contradicted by the sworn testimony of witnesses who may be called, his vote shall be received, and the word "sworn" shall be noted opposite his name on the poll-book.

SEC. 7. Any person, being a candidate for nomination to any office of profit or trust under the Constitution or laws of this State, or of the United States, before any convention held

by any political party, or at any primary election, who loans, pays or gives, or promises to loan, pay or give any money or other thing of value to any delegate or elector, or any other person, for the purpose of securing the vote or influence of such delegate, elector or person, for his nomination, shall, upon conviction thereof, be fined in any sum not more than five hundred nor less than one hundred dollars, and disfranchised and rendered incapable of holding any office of profit or trust within this State for any determinate period not less than eight years, and if nominated shall be ineligible to hold such office.

SEC. 8. Whoever, being a delegate to any convention held by any political party, or an elector at any primary election for the purpose of making a nomination to any office, asks, demands or receives, either directly or indirectly, any money or other thing of value from any candidate for nomination to any office whatsoever, or from any person for or on behalf of such candidate, to vote for or use his influence in behalf of such candidate, shall be fined in any sum not more than three hundred nor less than one hundred dollars, and shall be disfranchised and rendered incapable of holding any office of profit or trust for any determinate period not less than ten years.

SEC. 9. Whoever, being a candidate for any office, loans or gives, directly or indirectly, or offers or promises to loan or give any money or other thing of value to any elector for the purpose of influencing, procuring or retaining the vote of such elector, or to induce such elector to work or labor for the election of such candidate, or to refrain from working or laboring for the election of any other candidate, or to any person to secure or to retain the influence or vote of such elector in his behalf as such candidate, or to be used by such person in any way to influence the vote of any elector, or of electors generally, for himself or any candidate or ticket, at any convention, primary or general election, shall be fined in any sum not more than one thousand nor less than ten dollars, and shall be disfranchised and rendered incapable of holding any office of profit or trust within this State for any determinate period not less than ten years; and a violation of any provision of this section by any person elected to such office shall render his election void, and if he has taken the office, upon conviction, shall operate as a vacation of the same.

SEC. 10. Whoever asks, demands or receives of any candidate for nomination to any office by any political party or convention, or at any primary election, or of any candidate for any office under the Constitution or laws of this State, or of the United States, any money or other thing of value, not then due and owing, to vote or labor for, or use his influence in behalf of such candidate, or to secure the vote, labor or influence of any other person or persons for such candidate, or to induce him or any other person to write, print, publish or speak anything in behalf of, or to refrain from writing, printing, publishing or saying anything in any way derogatory to such candidate, shall, upon conviction thereof, be fined in any sum not more than five hundred nor less than three hundred dollars, and disfranchised and rendered incapable of holding any office of profit or trust in this State for any determinate period not less than ten years; and such demand or request of a candidate shall be *prima facie* evidence that it was made for such purpose.

SEC. 11. Any person not duly authorized by law who shall, during the progress of any election in this State, or after the closing of the polls and before the ballots are counted and result ascertained, or within six months thereafter, break open or violate the seals or locks of any ballot box, paper envelope or bag in which ballots have been deposited at or after such election, or who shall obtain possession of such ballot box, paper envelope or bag containing such ballots, and conceal, withhold or destroy the same, or who shall fraudulently or forcibly add to or diminish the number of ballots legally deposited therein, or who shall fraudulently make any erasure or alteration of any kind upon any tally sheet, poll-book, list of voters, or election return deposited therein, shall be fined in any sum not more than one thousand nor less than five hundred dollars, and imprisoned in the State prison not more than ten nor less than two years, and disfranchised and rendered incapable of holding any office of profit or trust in this State for any determinate period not less than ten years.

SEC. 12. This act shall be liberally construed for the purpose of promoting and maintaining political purity, but the *bona fide* payment by any candidate for an office or other person for the fair and reasonable cost of printing tickets, slips or pasters, or

any announcement of his candidacy, or of advertising in the newspapers, or by posters, any political meeting, or the *bona fide* expenses of holding such meetings, or of procuring speakers and getting people out to the same, of obtaining and distributing circulars, pamphlet, papers, documents and tickets, or of bringing voters out to the polls, shall not be a violation of this act, but all of said items in this section specified shall be held to be expenses lawfully incurred.

SEC. 13. All prosecutions for any violation of the provisions of sections seven (7), eight (8), nine (9) and ten (10) of this act shall be commenced within twelve months after the commission of the act complained of.

SEC. 14. During the receiving and counting of ballots no person shall congregate or loiter within fifty feet of the polling place of any election, or in any manner hinder or delay any elector in reaching or leaving the place fixed for casting his ballot, or within such distance of fifty feet to give or tender or exhibit any ballot or ticket to any person other than a Judge of Election, or to exhibit any ticket or ballot which he intends to cast, or to ask any elector to exhibit his ballot or ticket, or solicit, or in any way attempt to influence him in casting his vote, or go arm in arm, or side by side, or in any way accompany any elector to the polls or voting place; and any person willfully violating any of the provisions of this section shall be fined not less than twenty dollars nor more than one thousand dollars, or imprisoned in the County Jail not less than thirty days nor more than one year, or both: *Provided, however,* It shall be lawful for each party having candidates to be voted for to appoint not more than two challengers, who may occupy positions at or near the polls.

SEC. 15. Any person suspected or guilty of violating any of the foregoing sections of this act may be summoned either before the Grand Jury or in the Circuit or Criminal Court and compelled to testify in relation to the same; but no person so compelled or required to give testimony shall be prosecuted or punished thereafter for any act done by him about which he was so compelled to testify.

And that when so amended the same do pass, and that Senate Bill No. 27 be indefinitely postponed.

MACY,  
BARRETT,  
CAMPBELL,  
LOGSDON,  
BAILEY.

Senator Macy moved to concur in the report of the committee.

The report was concurred in, and 100 copies were ordered printed.

Senator McDonald moved that the regular order of business be suspended and that Senate Bill No. 3 be taken up, and that its consideration be made a special order.

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were:

Senators Andrew, Bryant, Campbell, Cox, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Harness, Howard of St. Joseph, Huston, Johnson, Kennedy, Macy, Marshall, McDonald, Moon, Mullinix, Peterson, Rahm, Shroyer, Sears, Smith of Wells, Thompson of Marion, Urmston, Winter, Zimmerman, Mr. President. Total, 30.

Those voting in the negative were :

Senators Bailey, Barrett, Branaman, Day, French, Griffith, Hale, Logsdon, McClure, Sellers, Shively, Tharp, Trippet. Total, 13

So the motion carried.

Senator Sellers offered the following motion :

MR. PRESIDENT :

I move to refer Senate Bill No. 3 to Committee on Military Affairs, with instructions to prepare and report as a substitute for said bill appropriating a sum not exceeding \$200,000 for the purpose of erecting a Soldiers' Home for Indiana soldiers, and of purchasing suitable grounds therefor, with such provisions as may be by it deemed necessary to provide a Board of Management for such institution.



Senator Bailey offered the following amendment to Senator Sellers's motion:

MR. PRESIDENT:

I move to amend the motion of the Senator from White by inserting the words, " or in the discretion of the committee, a bill authorizing and directing the construction of a memorial hall, not to exceed in value \$200,000, and to be located in Circle Park, in the City of Indianapolis," after the words "such institution," closing said motion.

Senators DeMotte and Huston asked to be excused from serving on the special committee appointed to investigate and examine the Howard memorial.

The Senate refused to excuse the said Senators.

The President of the Senate announced that he had appointed Senator French to act as chairman of the special committee appointed to investigate the management of the State Benevolent Institutions, vice Senator Shively, excused.

The question recurring on the declination of Senator Huston to act on the special committee appointed to investigate the management of the Benevolent Institutions.

The Senate refused to excuse Senator Huston from acting on said committee.

Senator Bryant introduced Senate Bill No. 289, entitled:

An act to amend section 23 of an act entitled an act concerning elections and the contest thereof, approved April 21, 1881, the same being section 4701 of the Revised Statutes of 1881.

Read a first time and referred to the Committee on Elections.

Senator Barrett introduced Senate Bill No. 290, entitled:

A bill for an act concerning the appointment and pay of bailiffs of courts.

Read a first time and referred to Committee on Fees and Salaries.

Senator French moved that the Senate adjourn.

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Barrett, Branaman, Cox, Davis, Duncan of Brown, French, Hale, Howard of Decatur, Logsdon, Rahm, Sellers, Shively, Smith of Wells, Tharp, Trippet, Mr. President. Total, 17.

Those voting in the negative were :

Senators Bailey, Bryant, Campbell, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Griffith, Harness, Howard of St. Joseph, Huston, Johnson, Kennedy, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Shroyer, Sears, Thompson of Marion, Urmston, Winter, Zimmerman. Total, 28.

Motion lost.

Senator Sears introduced Senate Bill No. 291, entitled :

A bill for an act providing for the payment of a certain claim of Fulmer and Seibert, for labor performed by them in grading and graveling Reid Street, in the City of Indianapolis, along the west side of the State Deaf and Dumb Asylum grounds, under employment of the City of Indianapolis, and declaring an emergency.

Read a first time and referred to Committee on Claims.

On motion of Senator Cox the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

## TUESDAY MORNING.

FEBRUARY 15, 1887.

The Senate met in regular session at 10 o'clock.

Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by the Rev. Dr. Gilbert, of the Meridian Street M. E. Church, Indianapolis.

On motion of Senator Schloss, the reading of the journal was dispensed with.

The consideration of Senate Bill No. 3 being the special order of business for this hour (10 A. M.), it was taken up as unfinished business.

Senator Barrett, from the Committee on Prisons, offered a report on the management and condition of the State Prison South, and moved that its further consideration be postponed until next Friday.

. The following message was received from the House:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 162, a bill repealing an act concerning the rental of telephones, and the same is herewith transmitted to the Senate.

W. H. SMITH,  
Clerk.

Senator Howard of St. Joseph was granted a leave of absence until next Monday.

Senator Barrett moved that further consideration on Senate Bill No. 3 be postponed until next Friday morning at 10 o'clock.

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were :

Senators Bailey, Berry, Branaman, Cox, Davis, Day, Fowler, French, Griffith, Hale, Harness, Logsdon, McClure, McDonald, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Weir, Zimmerman, Mr. President. Total, 26.

Those voting in the negative were :

Senators Andrew, Campbell, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Howard of Decatur, Huston, Johnson, Kennedy, Macy, Marshall, Mullinix, Shroyer, Winter. Total, 16.

So the motion carried.

Senator French withdrew his motion to reconsider the vote by which the resolution was adopted to appoint a special committee to investigate the management of the State Benevolent Institutions.

Senator Sellers was granted leave of absence until 2 o'clock this P. M.

On motion of Senator Fowler the Senate adjourned.

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## AFTERNOON SESSION.

FEBRUARY 15, 1887.

The Senate met pursuant to adjournment at 2 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Senator Thompson of Marion moved that Senate Bill No 18 be taken up and read a second time, and that the report of the committee be concurred in.

The motion carried.

The bill was read a second time and the report of the committee was concurred in.

Senator Thompson of Marion moved that the constitutional rule be suspended, and that Senate Bill No. 18 be considered engrossed and read a first time by sections and put upon its passage.

Senator Bailey offered the following amendment to Senate Bill No. 18:

MR. PRESIDENT:

Amend by inserting after the word claim in line 4 the words, "of which the sum of \$4,636.18 is for the principal of said claim, and \$619.82 for interest, and the same shall be in full satisfaction of said claim."

Adopted.

The question recurring on the motion to suspend the constitutional rule on Senate Bill No. 18.

The ayes and noes were ordered and taken and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Berry, Cox, Davis, Day, DeMotte, Dresser, Duncan of Brown, Ensley, Fowler, French, Hale, Harness, Howard of St. Joseph, Johnson, Kennedy, Logsdon, Macy, Marshall, McDonald, Mullinix, Peterson, Rahm, Schloss, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Winter, Weir, Zimmerman, Mr. President. Total, 34.

Those voting in the negative were:

Senators Branaman, Griffith, McClure, Sellers. Total, 4.

So the constitutional rule was suspended.

Senate Bill No. 18 was considered as engrossed, read a third time by sections and put upon its passage.

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Berry, Branaman, Cox, Day, DeMotte, Drake, Dresser, Duncan of Brown, Ensley, Fowler, French, Hale, Harness, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Mullinix, Peterson, Schloss,

Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Winter, Weir, Zimmerman and Mr. President. Total, 85.

Those voting in the negative, none.

So the bill passed.

The title of the bill as read was adopted as the title to the act.

The consideration of Senate Bill No. 77 being the special order for this hour, 2:30 o'clock P. M., the bill was taken up and read a second time, with the report of the committee thereon.

Senator Sellers offered the following resolution :

MR. PRESIDENT :

I move to refer Senate Bill No. 77 to the Committee on Swamp Lands and Drainage, with instructions to inquire into the value of the lands, with power to send for persons and papers.

Senator McDonald offered the following resolution, and moved its adoption :

*Resolved by the Senate*, That the officers and delegates in attendance upon the Grand Army of the Republic, Department Encampment, are cordially invited to visit this Senate, at such time as shall be convenient to such officers and delegates, and that the Secretary of this Senate furnish to the Department Commander a copy of this resolution as soon as convenient.

Adopted.

Senator Fowler, from the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :

Your Committee on Enrolled Bills would report that they have compared Engrossed Senate Bill No. 19 with Enrolled Senate Act No. 19, and find the same correctly enrolled.

Also,

MR. PRESIDENT :

Your Committee on Enrolled Bills would report that they have compared Engrossed Senate Bill No. 6 with Enrolled Senate Act No. 6, and find the same correctly enrolled.

The following message was received from the House :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 20, a bill regulating the traffic in intoxicating liquors, and the same is herewith transmitted to the Senate.

W. H. SMITH,  
Clerk of the House.

The following message was received from the House :

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed Senate Enrolled Acts No. 19 and No. 6, and the same are herewith returned to the Senate for the signature of the President.

W. H. SMITH,  
Clerk.

Senator Fowler, from the Joint Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :

Your Joint Committee on Enrolled Bills would report that they have delivered to the Governor, for his consideration, Enrolled Senate Act No. 6 and Enrolled Senate Act No. 19.

Pending the consideration of Senator Sellers's motion to re-commit Senate Bill No. 77,

On motion of Senator Kennedy, the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

## WEDNESDAY MORNING.

FEBRUARY 16, 1887.

The Senate met in regular session at 10 o'clock.

Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by the Rev. Duncan, of the M. E. Church, Indianapolis.

The reading of the journal was being proceeded with when, on motion of Senator Shively, its further reading was dispensed with.

Senator Shively moved that the regular order of business be suspended, and that Senate Bill No. 220 be taken up.

The motion carried.

Substitute Senate Bill No. 220 was read a second time, with the report of the committee thereon.

Senator Fowler offered the following amendment to Senate Bill No. 220 :

MR. PRESIDENT :

I move to amend section 2 by striking out of line 15, the words "resided and;" also strike out of line 19, the words "in this State."

Motion lost.

Senator Drake offered the following amendment to Senate Bill No. 220 :

MR. PRESIDENT :

I move to amend section 1 of Senate Bill 220 as follows: After the word, "record," in line 27 of said section, add the following: "*Provided*, That this act shall not be construed to require any person having a license under the act of 1885 to renew such license."

Adopted.



Senator McDonald moved that a committee of three be appointed to receive the G. A. R. Association at the Senate Chamber.

The motion carried.

Senators McDonald, DeMotte and Marshall were appointed as said committee.

The report of the committee on Substitute Senate Bill No. 220 was concurred in.

Senator Sellers offered the following amendment to Senate Bill No. 220:

MR. PRESIDENT:

I move to amend section 1 of Senate Bill No. 220 by adding to section 1 the following: "When he shall have had his license recorded in the office of the Clerk of the Circuit Court of said county," and by inserting at the end of line 38, section 1, the word, "other."

Amendment lost.

Senator Tharp offered the following amendment to Senate Bill No. 220, to section 3:

MR. PRESIDENT:

It shall be the duty of the State Board of Health to make out, as soon as convenient, and file with the clerks of the counties of the State, a list of reputable medical colleges and institutions, and said State Board of Health shall, in listing said colleges, give full recognition to all the various schools of medicine now recognized and practiced in the State, and that section 2 be numbered No. 3.

Adopted.

Senator Weir demanded the previous question.

The Senate seconded the demand for the previous question.

The question being, Shall the main question be now put?

The motion carried.

The question being on the motion of Senator Shively to suspend the constitutional rule and to consider Senate Bill No. 220 as engrossed, and that it be read a third time and put upon its passage.

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Berry, Branaman, Campbell, Cox, Davis, Day, DeMotte, Drake, Dresser, Duncan of Brown, Ensley, Fowler, Griffith, Harness, Howard of Decatur, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Peterson, Rahm, Schloss, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Weir, and Mr. President. Total, 35.

The one voting in the negative was Senator Zimmerman.

-So the constitutional rule was suspended.

The bill was considered as engrossed, read a third time and put upon its passage.

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Berry, Davis, DeMotte, Drake, Dresser, Duncan of Brown, Ensley, French, Griffith, Harness, Howard of Decatur, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Weir, Mr. President. Total, 32.

Those voting in the negative were :

Senators Campbell, Day, Fowler, Hale, Zimmerman. Total, 4.

So the bill passed.

The title to the bill was referred to the Committee on Phraseology.

Senator Shroyer was granted leave of absence for the day.

Senator Thompson of Jasper was granted an indefinite leave of absence on account of serious sickness in his family.

Senator Smith of Wells, from the Committee on Phraseology, made the following report :

**MR. PRESIDENT:**

Your Committee on Phraseology, to whom was referred Senate Bill No. 220, have examined the same, and recommend that the title to said bill be amended to read as follows :

An act to amend sections 2 and 6 of an act entitled an act to regulate the practice of medicine, surgery and obstetrics, providing for the issuing of licenses to practice, defining certain misdemeanors, providing penalties, and providing certain duties of the State Board of Health, and declaring an emergency.

Report concurred in.

A recess was taken at 11:30 o'clock for the purpose of giving the Grand Army of the Republic the freedom of the floor of the Senate.

Senator McDonald introduced General Tom Bennett, who was called to the chair by the President of the Senate.

General Bennett, in a few well-chosen remarks, presented the following memorial :

*To the Senate and House of Representatives of the State of Indiana :*

GENTLEMEN—We, the representatives of the Grand Army of the Republic of Indiana, in Department Encampment assembled, would respectfully ask your honorable bodies to pass the bill now pending for the appropriation of \$200,000 for the erection of a State Soldiers' and Sailors' Monument. Said bill, in its preparation, has had the careful consideration of the Monument Committee of the Grand Army, and we believe that it effectually guards the interests of the State, and will secure the erection of a structure worthy of the men whose memories it is intended to perpetuate, and worthy of the great State which sent them forth.

Indiana sent more than 200,000 men to the field in defense of the Union, over 30,000 of whom did not return. There was not an important battle field of the republic upon which their blood was not shed. They stood for the integrity of the Union—its Constitution and its laws—and it seems appropriate that the law-making power of the State from which they went forth should make the appropriation which is asked.

The great political parties of the State have declared in favor of the measure in their State platforms, as have also numerous county and congressional conventions throughout the State.

We are not moved by the spirit of self-gratification in preferring this request, but we do so rather in the names of our

dead comrades, and because such a structure would stand as an object lesson to teach patriotism to the youth of our great State for all coming time.

I certify that the foregoing memorial was unanimously adopted by the Annual Encampment, Department of Indiana, G. A. R., at its eighth session at Indianapolis, Ind., February 16, 1887.

BEN. D. HOUSE,  
Adjutant General.

The President of the Senate, in a very appropriate speech, welcomed the G. A. R., to the floor of the Senate.

In honor of the G. A. R., and that they might enjoy the privileges of the Senate Chamber, Senator Campbell moved that the Senate adjourn.

The motion carried.

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## AFTERNOON SESSION.

FEBRUARY 16, 1887.

The Senate met, pursuant to adjournment, at 2 o'clock.

Hon. A. G. Smith, President of the Senate, in the chair.

The question being on the motion of Senator Sellers to re-commit Senate Bill No. 77, to the Committee on Swamp Lands and Drainage, this being unfinished business of the morning session.

Senator Weir offered an amendment to Senator Sellers's motion to refer Senate Bill No. 77:

MR. PRESIDENT:

I move, in addition to the instructions to the committee by the Senator from White, that the committee consider and report upon the expediency of so amending bill No. 77, so that the State release all claims to lands heretofore surveyed by the government and meandered or thrown out as water.

Amendment adopted.

Senator Mullinix was granted leave of absence for this afternoon.

Senator Fowler was granted leave of absence for to morrow, February 17th.

Senator Winter offered the following amendment No. 2 to Senate Bill No. 77 :

MR. PRESIDENT :

Recommit, with instructions to amend the bill so as to provide that the State shall quit claim and release all its title and claims to the lands described in the bill, upon the claimants paying to the State within a certain time a sum per acre, which shall be sufficient to reimburse the State for all expenditures by it incurred or for which it is liable for drainage or improvement of said lands, legal expenses and costs ; such expenses and liabilities to be ascertained by a board composed of the Governor, Attorney General and Auditor of State. Also, strike out sections 6 and 7.

Amendment adopted.

The question recurring on the motion of Senator Sellers, to recommit Senate Bill No. 77 as amended.

The motion carried.

The consideration of Senate Bill No. 162, being the special order for this afternoon, was taken up, and the majority and minority reports were read.

Senator Campbell moved that the majority report of the committee be adopted.

Senator Fowler moved to amend the motion of Senator Campbell by substituting the minority for the majority report.

The following messages were received from the House :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed Engrossed House Bills Nos. 223, 290 and 294, legalizing the incorporations of the towns of Windfall, Salem

and Fortville. Also, Engrossed House Bill No. 235, authorizing the town of Jamestown to adjust certain delinquent taxes, and the same are herewith transmitted to the Senate.

W. H. SMITH,

Clerk of the House.

Also,

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has adopted House Concurrent Resolution No. 17, relating to the appointment of five Commissioners to represent Indiana at the centennial celebration at Cincinnati, to commemorate the settlement of the Ohio Valley, and the same is hereby transmitted.

W. H. SMITH,

Clerk House of Representatives.

Senator Sellers moved that Senate Bill No. 162 be referred to the Committee on Judiciary, with instructions to consider and report whether the same will or will not conflict with section 2, article 2, of the Constitution of Indiana; and on that motion he demanded the previous question.

The Senate seconded the demand for the previous question.

The question being, Shall the main question be now put?

The motion carried.

The question being upon Senator Sellers's motion to refer Senate Bill No. 162 to the Judiciary Committee with instructions.

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Berry, Branaman, Cox, Day, Duncan of Brown, Fowler, Hale, Howard of Decatur, Logsdon, McClure, Rahm, Schloss, Sellers, Shively, Smith of Wells, Urmston, and Mr. President. Total, 19.

Those voting in the negative were:

Senators Campbell, Davis, Drake, Dresser, Eusley, Harness, Johnson, Kennedy, Macy, Marshall, Thompson of Marion, Winter, Weir, and Zimmerman. Total, 14.

So the motion carried.

The President of the Senate, at the request of Senator Huston, ordered that the journal show that Senator Huston was absent when the vote was taken to refer Senate Bill No. 162 to the Judiciary Committee, and that if he had been present he would have voted in the negative.

Senator Winter, from the Select Committee on the Communications of the Governor, made the following report:

MR. PRESIDENT:

Your select committee, to whom was referred the message of the Governor in relation to Green River Island, respectfully report that they have had said matter under consideration, and they are of the opinion that it is advisable that a suit be instituted and prosecuted in the Supreme Court of the United States on behalf of the State to determine the conflicting claims to that Island, and to that end that a bill be passed authorizing the bringing of such suit, and providing for the expenses thereof. Your committee have prepared the following bill, embodying their view, which they recommend should be passed.

THARP,  
Chairman.

Report of committee was concurred in.

The following is the bill introduced by the select committee on the Governor's message:

An act in relation to Green River Island.

*Be it enacted by the General Assembly of the State of Indiana,* That the Governor is authorized and directed to institute and prosecute in the Supreme Court of the United States or other proper tribunal, in the name and on behalf of the State of Indiana, a suit in chancery or other appropriate proceedings against the State of Kentucky, for the purpose of determining and settling the boundary of the State of Indiana with relation to Green River Island, and to determine and put at rest the question which now exists as to whether said Island is within the boundary and jurisdiction of the State of Indiana or of the State of Kentucky; and for that purpose the sum of five thousand dollars, or so much thereof as may be necessary, is

hereby appropriated to be expended under the direction of the Governor to defray expenses, including reasonable attorney's fee of such litigation.

SEC. 2. All laws and parts of laws within the purview of this act are repealed.

SEC. 3. There being an emergency, this act shall take effect and be in force from and after its passage.

The bill was read a first time.

Senator Tharp moved that the constitutional rule be suspended, that Senate Bill No. 292 be read a second time by title, and that it be considered as engrossed, and read a time by sections and put upon its passage.

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Berry, Branaman, Campbell, Cox, Davis, Day, Drake, Duncan of Brown, Ensley, Fowler, French, Griffith, Hale, Harness, Howard of Decatur, Huston, Kennedy, Logsdon, Macy, Marshall, McClure, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Winter, Weir, Zimmerman, Mr. President. Total, 35.

Those voting in the negative, none.

So the constitutional rule was suspended.

The bill was read a second time by title, considered as engrossed, read a third time by sections and put upon its passage.

The roll being called resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Berry, Branaman, Campbell, Cox, Davis, Day, Drake, Dresser. Duncan of Brown, Ensley, Fowler, French, Griffith, Hale, Harness, Howard of Decatur, Huston, Kennedy, Logsdon, Macy, Marshall, McClure, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Winter, Weir, Zimmerman, Mr. President. Total, 36.

Voting in the negative, none.

So the bill passed.



The title to Senate Bill No. 292 was referred to the Committee on Phraseology.

The following resignation was presented by the undersigned members of the Standing Committee on Benevolent Institutions:

MR. PRESIDENT:

The undersigned members of the Standing Committee on Benevolent Institutions respectfully ask to be excused from further service upon said committee.

J. F. COX,  
WM. RAHM, JR.,  
F. M. HOWARD,  
J. M. DRESSER.

Senator Tharp moved that the resignation be accepted.

The motion carried.

Senate bills on third reading were taken up as the regular order of business.

Senate Bill No. 8 was taken up and read a third time.

A communication was read from H. B. Jacobs, Superintendent Indiana Institute for the Education of the Blind, as follows:

INDIANAPOLIS, Feb. 16, 1887.

*Hon. Alonzo G. Smith, President of the Senate of the General Assembly:*

DEAR SIR—Will you please announce to the Senate before adjournment this evening that a musical entertainment for the special benefit of the members of the Legislature and their friends will be given at this Institution to-night, commencing at 8 o'clock?

Copies of the program were distributed to the members yesterday.

Respectfully yours,

H. B. JACOBS,  
Superintendent.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, Feb. 16, 1887. }

*To the Honorable, the President of the Senate :*

By direction of the Governor, I have the honor to inform the Senate that he has received and approved Senate Enrolled Acts Nos. 6 and 19, and has caused the same to be filed in the office of the Secretary of State.

PIERRE GRAY,  
Private Secretary.

The question being, Shall Senate Bill No. 8 be passed ?

The roll was called and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Berry, Branaman, Davis, Dresser, Ensley, Fowler, French, Griffith, Hale, Harness, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Zimmerman. Total, 29.

Those voting in the negative were :

Senators Campbell, Drake, Winter, Weir, Mr. President. Total, 5.

So the bill passed.

The title of the bill as read was adopted as the title to the act.

Senator Branaman, from the Committee on Rules, made the following report :

MR. PRESIDENT :

Your Committee on Rules, to whom was referred Senate Resolution No. 74, having considered the same, begs leave to submit the following report :

Your committee recommends that the word "ten" in line 2 of Rule 1 of the Rules of this Senate, be stricken out, and that figures "9:30" be inserted in lieu thereof.

Report concurred in.

Engrossed Senate Bill No. 13 was read a third time.

The question being, Shall Senate Bill No. 13 be passed?

The roll was called and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Berry, Branaman, Day, Dresser, French, Griffith, Hale, Harness, Johnson, Kennedy, Macy, McClure, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Urmston and Mr. President. Total, 21.

Those voting in the negative were:

Senators Campbell, Davis, Drake, Duncan of Brown, Ensley, Fowler, Huston, Logsdon, Tharp, Winter, Weir and Zimmerman. Total, 12.

There being no quorum present and voting, the bill failed to pass.

Senator Huston moved to increase the special committee appointed to investigate the management of the State benevolent institutions, by adding two more Senators to said committee.

The motion carried.

The President of the Senate appointed Senators Branaman and Drake as said additional committee.

Senator Day was granted a leave of absence until next Friday.

Senator Thompson of Marion offered the following resolution:

MR. PRESIDENT:

*Resolved*, That the bouquet on the desk of the President of the Senate be removed, as it is in a wilting condition and is therefore no longer complimentary to the President, because he never wilts.

Bouquet presented to Senator Johnson.

The President of the Senate appointed Senators Branaman, Griffith, French and Ensley to the Committee on Benevolent Institutions, to fill the vacancy caused by the resignation of Senators Cox, Rahm, Howard of Decatur, and Dresser.

Senate Bill No. 44 was read a third time.

The question being, Shall the bill be passed?

The roll was called and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Berry, Branaman, Campbell, Cox, Davis, Day, Drake, Dresser, Duncan of Brown, Ensley, Fowler, French, Griffith, Harness, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Winter, Weir, Zimmerman, Mr. President. Total, 36.

Voting in the negative, none.

So the bill passed.

The title to the bill was referred to the Committee on Phraseology.

Senator French, from the Committee on Finance, made the following report on Senate Bill No. 277:

**MR. PRESIDENT:**

Your Committee on Finance, to whom was referred Senate Bill No. 277, introduced by Senator French, have had the same under consideration and recommend that the same be amended as follows, to-wit: by adding to section 1 the following: And the Governor is hereby authorized and empowered to employ said William A. Molloy, or any other competent person, counsel and agent for the State to assert, prosecute and adjust, in and before the Land Department of the General Government, the claim of the State of Indiana to any and all lands and indemnity land claims arising under and by virtue of any act of Congress on the basis of the evidence furnished by the field notes and plats of survey remaining of record or on file in said Land Department, and such other evidence as may be obtainable; the said party so employed to have for his fees and compensation for such services not to exceed fifteen per centum upon the money received, or the land recovered to the State on a valuation of one dollar and twenty five cents per acre, which sum shall be paid on the order of the Governor, and without further process of law, and your committee recommend that when said bill is so amended it do pass.

Also, on Senate Bill No. 216, as follows :

MR. PRESIDENT :

Your committee on Finance, to whom was referred Senate Bill No. 216, has had the same under consideration, and begs leave to report with the recommendation that the same be indefinitely postponed.

Also, on Senate Bill No. 237, as follows :

MR. PRESIDENT :

Your Committee on Finance, to whom was referred Senate Bill No. 237, has had the same under consideration, and begs leave to report with the recommendation that the same do pass.

J. W. FRENCH,  
Chairman.

Senator Duncan of Brown, from the Committee on Education, made the following report on Senate Bill 226 :

MR. PRESIDENT :

Your committee, to whom was referred Senate Bill No. 226, introduced by Senator Barrett, has had the same under consideration, and directs me to report the same back to the Senate with a recommendation that it do pass.

Senator Weir moved to adjourn.

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Drake, Ensley, Fowler, French, Harness, Huston, Kennedy, Logsdon, Schloss, Weir, and Zimmerman. Total, 11.

Those voting in the negative were :

Senators Andrew, Bailey, Berry, Branaman, Davis, Day, Dresser, Duncan of Brown, Griffith, Johnson, Macy, McClure, Peterson, Rahm, Sellers, Smith of Wells, Thompson of Marion, Tharp, Urmston, and Winter. Total, 20.

Failed on account of there being no constitutional majority present.

A roll-call of the Senate was ordered, the last roll-call showing no quorum.

The roll was called and showed only 24 Senators present.

Senator Sellers moved that the absentees be sent for.

On motion of Senator Drake, the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

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## THURSDAY MORNING.

FEBRUARY 17, 1887.

The Senate met in regular session at 9:30 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by Senator Smith of Wells.

The reading of the journal was being proceeded with, when, on motion of Senator Schloss, its further reading was dispensed with.

Senator Ensley asked for and was granted a leave of absence until 3 o'clock this P. M.

Senator Winter moved that the committees be called for the purpose of making reports.

Carried.

Senator French, from the Committee on Finance, made the following report :

MR. PRESIDENT :

Your committee, to whom was referred Senate Bill No. 286, introduced by Senator Bailey, have had the same under consideration, and said bill is herewith reported back with the recommendation that it do pass.

FRENCH,  
Chairman.

Senator Weir, from the special committee to whom was referred Senate Bill No. 235, made the following report:

MR. PRESIDENT :

Your select committee, to whom was referred Senate Bill No. 235, being a bill for an act to regulate the publication and sale of Supreme Court Reports, have had the same under consideration, and have unanimously determined to report the same back, with the recommendation that the same do pass.

WEIR,  
DAVIS,  
FRENCH,  
WINTER,  
SELLERS.

Senator Duncan, from the Committee on Education, offered the following report on Senate Bill No. 190:

MR. PRESIDENT :

Your committee, to whom was referred Senate Bill No. 190, introduced by Senator Tharp, have had the same under consideration, and direct me to report the same back to the Senate with the following amendments, to-wit :

Section 1, in line 5, strike out the words, "with the several divisions of." Also strike out all of section 1 after the word "schools," in line 11.

Section 2, in lines 11 and 12, strike out "for all pupils in each and every school in his jurisdiction."

And, so amended, recommend that the bill be passed.

Also, on Senate Bill No. 244 as follows:

MR. PRESIDENT :

Your committee, to whom was referred Senate Bill No. 244, introduced by Senator Fowler, have had the same under consideration, and direct me to report the same back to the Senate, with the recommendation that it be laid upon the table.

Senator Logsdon, from the Committee on Corporations, made the following report on Senate Bill No. 221:

MR. PRESIDENT:

Your Committee on Corporations, to whom was referred Senate Bill No. 221, introduced by Senator Shroyer, have given the same their consideration, and direct me to report that it be indefinitely postponed.

Senator Peterson, from the Committee on Roads, made the following report on Senate Bill No. 259:

MR. PRESIDENT:

Your Committee on Roads, to whom was referred Senate Bill No. 259, introduced by Senator Day, have had the same under consideration and recommend that it do pass.

Also, the following report on Senate Bill No. 248:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 248, introduced by Senator Macy, have had the same under consideration, and a majority of the committee direct the same back to the Senate with a recommendation that it be passed.

Senator Berry, from the Committee on Agriculture, made the following report on Senate Bill No. 261:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 261, introduced by Senator Kennedy, have had the same under consideration, and direct me to report the same back to the Senate with a recommendation that it do pass.

Senator Griffith, from the Committee on Public Buildings, made the following report on Senate Bill No. 288:

MR. PRESIDENT:

Your Committee on Public Buildings, to whom was referred Senate Bill No. 288, having had the same under consideration, recommend that said bill do pass.



Senator Griffith, from the Committee on Public Buildings, made the following report on Senate Bill No. 287:

MR. PRESIDENT :

Your Committee on Public Buildings, to whom was referred Senate Bill No. 287, introduced by Senator Griffith, having had said bill under consideration, recommend the passage of the accompanying bill as a substitute for said bill.

The following is the substitute bill:

An act to provide for the appointment and compensation of a custodian of public buildings and property, prescribing his duties and fixing his compensation.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Governor, with the advice and consent of the Senate, shall appoint a custodian of public buildings and property, who shall have the care of the State Capitol, together with all the grounds and premises appurtenant thereto belonging to the State, and such custodian shall, before entering upon the discharge of his duties, qualify, as provided by law, and execute and file with the Secretary of State a bond in the penal sum of five thousand dollars, conditioned for the faithful discharge of his duties and for the proper disposal, care and control of all property, and the payment of and accounting for all moneys that shall come into his possession or control as such custodian, with security thereto, to be approved by the Governor.

SEC. 2. His term of office shall be for two years, commencing when the State House Commissioners shall have turned over the building to the State as provided by law: *Provided*, That he may be removed at any time for cause by the Governor, who shall fill the vacancy for the unexpired term.

SEC. 3. He shall receive for his services the sum of one thousand five hundred dollars a year, which shall be paid on proper vouchers as the salaries of other State officers are paid. He shall also be authorized to employ a secretary at a sum not exceeding nine hundred dollars a year.

SEC. 4. It shall be the duty of the custodian to take charge of and protect the capitol building and all furniture and other property connected therewith; to preserve the same from injury; to superintend and direct the heating and lighting of the same; at all proper times to open and ventilate the several de-

partments, and constantly to keep every part thereof cleansed and in proper order; and at all suitable hours to personally, or by proper escort, attend visitors who may wish to view the same, or any part thereof entrusted to his care, free of expense; to control and take care of the capitol grounds, walks, trees, shrubbery, statuary and other property of the State on or about the capitol grounds or premises, and to keep the same clean and in good order; to have charge of, control and care for all public buildings and grounds belonging to the State, at the seat of government, and to protect and care for the same.

SEC. 5. The custodian is hereby empowered and it shall be his duty to purchase, from time to time, under the orders of an executive council composed of the Governor, Secretary of State, Auditor of State and Treasurer of State, and under like orders to superintend and cause such repairs to be made to the capitol or other property in his care as shall be deemed necessary to its protection.

SEC. 6. He is hereby authorized and empowered to contract for and have supplied all fuel, lights, water, ice, telegraph and telephone service required in the convenient and efficient discharge of the duties of the legislative, executive and judicial and other officers of the State at the capitol, or of the State boards or other official boards, or representatives of the State at the seat of government; but all contracts and expenditures made by him for any of the purposes enumerated or for any other purpose must be approved by the executive council. Such custodian is hereby authorized to employ such labor as may be required in carrying out the duties imposed by this act, to have charge of the janitor and police force in and about the capitol at all times, and employ and discharge the same, or any part thereof as the public interest may demand, and see that ample provision is made for the meeting and organization of each house of the General Assembly; but nothing in this act shall deprive either house of the General Assembly from employing and controlling the necessary force for its own comfort and convenience. Such custodian shall institute the proper civil or criminal proceedings, in the name of the State, with the advice and consent of the Attorney General, against any person for any injury or threatened injury to any property of the State in his care.

SEC. 7. He shall keep in his office a complete record and lists of all lands and other property of the State at the seat of government together with accurate plans and surveys of the public grounds thereat; and make a report to the Governor, on the last days of March, June and September of each year, and an annual report on the last day of December of each year, and a report for the two years preceding each of the General Assembly; and show in detail the manner in which all appropriations were applied and expenditures made upon the public grounds and public buildings in his charge, the conditions of the public buildings, grounds and property in his charge, and the measures necessary to be taken for the care and preservation of such property; and likewise to report any casualties happening to or upon the property under his care, and the causes of the same; and render an itemized account of the expenditures made by him during such period with recommendations as to the manner in which the services under his management could be made more efficient or economical to the State, and he shall perform such other duties as may be imposed upon him by law or by order of the proper authorities herein described.

SEC. 8. At the end of each month he shall, under oath, make out a list of the expenses incurred under this act, itemizing the same with the names of the persons entitled to payment thereunder and the amounts thereof, on which, when approved by the Governor, the Auditor shall issue warrants in the amounts and to the persons entitled thereto.

SEC. 9. He shall keep an office in the capitol building, provided for the purpose, and shall be engaged in no other public or private business that will divert his attention from the duties of his office, and it shall be unlawful for the custodian to have any pecuniary interest, directly or indirectly, in any contract for supplies or labor provided for by this act, or in any business enterprise involving an expenditure by the State, and a violation of the provisions of this section shall be deemed a misdemeanor, and on conviction thereof he shall be fined in any sum not exceeding one thousand dollars and be removed from office.

SEC. 10. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Senator Smith of Wells, from the Committee on Phraseology, made the following report on Senate Bill No. 44:

**MR. PRESIDENT:**

Your Committee on Phraseology, to whom was referred Senate Bill No. 44, introduced by Senator Macy, have examined the same and recommend that the title be amended to read as follows: An act to enable joint suits to be maintained upon separate bonds of public officers and other persons.

The report was concurred in.

Senator Andrew, from the Committee on County and Township Business, offered the following report on Senate Bill No. 222:

**MR. PRESIDENT:**

Your Committee on County and Township Business, to whom was referred Senate Bill No. 222, introduced by Senator Harness, have had the same under consideration and make the following report:

Your committee recommend that Bill No. 222 be indefinitely postponed.

Senator Andrew, from the Committee on County and Township Business offered the following report on Senate Bill No. 280:

**MR. PRESIDENT:**

Your Committee on County and Township Business, to whom was referred Senate Bill No. 280, have had the same under consideration, and beg leave to make the following report:

Your committee recommend that the bill do pass.

Senator Howard presented a petition from citizens of Shelby County, which was referred to Committee on Education without reading.

Senator Hale, from the Committee on the Supervision and Inspection of the Journal, made the following report :

MR. PRESIDENT :

Your Committee on Supervision and Inspection of the Journal of the Senate beg leave to report that we have examined said journal from February 3, 1887, to February 14, 1887, inclusive, and find the same to be correct.

Concurred in.

Senator Bailey, from the Committee on Labor and Labor Statistics, made the following report :

MR. PRESIDENT :

Your Committee on Labor and Labor Statistics, having under consideration Senate Bill No. 1, introduced by Senator Bailey, and Senate Bill No. 234, introduced by Senator Day, both on the same subject, have given them full consideration, and, adopting such of each as to your committee seem best, they would respectfully report back the accompanying as a substitute for both of said bills, with the recommendation that it do pass.

An act for the protection of life and property from loss or damage by the explosion of steam boilers and other vessels under steam pressure, and providing for the examination and licensing of all persons operating or having charge of the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all persons within the State of Indiana, having charge of, or who may hereafter take charge of, or operate, any steam boiler or other vessel under steam pressure, shall be examined and licensed before assuming or attempting to take charge of such devices, and any person or persons attempting to operate a device of any kind, under steam pressure, shall be examined and licensed before assuming such charge, or attempting to operate such devices, and any person or persons attempting to operate a device of any kind, under steam pressure, without first procuring a license, shall be subject to a fine of not less than ten nor more than fifty dollars.

SEC. 2. There shall be appointed to each Congressional District in the State of Indiana, by the Governor of the State, one Inspector or Examiner of operating engineers, or persons in

charge of devices under steam pressure, and he shall select for such Inspectors or Examiners, persons who have technical or practical knowledge of steam used for such purposes, with not less than five years' experience or practice in charge of engines and boilers, and shall be a man of good moral character, and of temperate habits; and said persons so appointed shall give bond for the faithful performance of their duties, in the sum of two thousand dollars, with two freehold sureties, to be approved by the Governor, and such Inspectors shall hold office for the term of four years from the date of their appointment, and until their successors shall be appointed and qualified.

SEC. 3. At the time the Governor selects and appoints an Examiner or Inspector for each of the several congressional districts of the State, he shall, at the time designate three out of the number so appointed, who shall be known as a Board of Appeals, and who, in addition to their several duties as District Examiners, shall, whenever it becomes necessary, meet at the city of Indianapolis, Indiana, for the purpose of hearing and determining such appeals as may come before them. Their decision in all matters of dispute, arising in the several districts of the State, shall be final. Each member of the Board of Appeals shall be entitled to and receive for his services, in such appealed cases, three dollars per day for the time of actual service as a member of such Board, to be taxed as costs and paid by the party against whom the final decision shall have been rendered.

SEC. 4. The Board of Appeals shall provide and have printed proper rules and regulations which shall enable them and the several District Examiners to carry out the provisions of this act; and in which each District Examiner shall designate where his office shall be located, and when and where he will receive and examine applicants for engineer's license.

SEC. 5. Every application for an examination to take charge of devices subject to steam pressure, shall be accompanied with the sum of three dollars, and the license, if granted, shall have force and effect for the term of two years and no longer, unless sooner revoked for cause by the Inspector or Examiner; and for each subsequent renewal of such license or examination therefor, shall be the same, but the Inspector or Examiner shall in no case issue a license to any person who is a man of inebriate

habits, however skillful he may be: *Provided, however,* No license shall be permanently revoked for cause, without first giving the accused a ten days' written notice, and an opportunity to be heard in person or by counsel in his own defense.

SEC. 6. The Inspector or Examiner; to be appointed under this act, shall receive no other compensation, than the fees to be paid them for examining persons to take charge of steam boilers or other devices under steam pressure, and from such money they shall defray all the expenses incident to the faithful discharge of the duties assigned to them by this act, and Inspectors or Examiners appointed under this act shall keep a full and complete record of all persons examined by them, with the names and addresses of those to whom licenses have been granted, and the names and addresses of those to whom licenses were refused.

SEC. 7. In case an Inspector or Examiner shall revoke any license issued by him, if such person desires to appeal from the decision of the Inspector or Examiner, he may present his case to the Board of Appeals. But, before taking such appeal, he shall give bond for costs, to be approved by the Circuit Judge in the county from which the appeal is taken; which bond, with other papers in the case, shall be transmitted to the Board of Appeals.

SEC. 8. Every owner or user of any boiler or boilers or steam generating apparatus under pressure shall, when the same are in use, employ at least one competent licensed engineer, except as provided for in this act, and every owner or user of any boiler or boilers as aforesaid who, after the taking effect of this act, shall neglect or refuse to employ a licensed engineer, as herein provided, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall pay a fine of not less than ten nor more than one hundred dollars for each offense.

SEC. 9. It shall be the duty of every licensed engineer, upon the discovery of any dangerous defect in the engine, boiler or connections under his charge, to immediately report such fact to the owner or user thereof, and, upon his failure so to do, it shall be sufficient cause for the revocation or suspension of his license by the District Examiner granting the same.

SEC. 10. It shall be the duty of any owner or user of any boiler or boilers, or steam generating apparatus under pressure, in the State, when he shall have been notified by the licensed engineer in charge of same of any dangerous defect as aforesaid, to have such defect or defects immediately repaired; and, upon his failure or refusing so to do, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall pay a fine of not less than ten dollars nor more than fifty for each separate offense.

SEC. 11. All persons or engineers in charge of portable engines or heating apparatus used in private families are exempt from the provisions of this act.

SEC. 12. This act shall take effect from and after the 1st day of August, 1887.

Senator Dresser, from the Special Committee on the Tippecanoe Battle Grounds, made the following report:

MR. PRESIDENT:

The undersigned, who were appointed a committee on the part of the Senate and House of Representatives, to visit the Tippecanoe Battle Ground, located in the county of Tippecanoe, and inquire into the condition of the ground, fence, etc., do hereby report that they have performed that duty and find that the fence surrounding said grounds is substantial and valuable, but that many of the nuts and bolts thereof are loose or gone, and the same is entirely devoid of paint, and is being consumed by rust and decay for want thereof; that many of the forest trees upon said grounds are decaying, and will probably die if some means be not taken to prevent the same; that for want of mowing and proper attention, an undergrowth of bush is covering a large portion of said grounds. And, further, that said Battle Ground is situated upon an elevated tract of land, on the east side of a water-course, known as Burnett's Creek, the banks of which are of clay, coarse gravel and bowlders, which easily yield to the action of water; that said water-course has encroached very near to the line of said Battle Ground and the fence on the west side of said grounds, and if not arrested, will soon undermine and destroy a large part of the fence upon said line, and entirely destroy a part of said ground, unless the proper steps are at once taken to apply the proper remedy.



Your committee secured estimates of the cost of such repairs as, to them, seemed to be immediately demanded. Said estimates were made by Frank B. Hart, a thoroughly competent mechanic, connected with the W. T. Barbee & Co. Iron Works, and is as follows:

Estimate of the cost to repair and paint the iron fence that encloses the Tippecanoe Battle Grounds, pruning trees, for protecting the creek bank from washing, and for permanently caring for said property:

- |  |       |
|--|-------|
| 1. To clean the iron fence, repair and reset all impaired parts, and paint the same with best oil paint..... | \$800 |
| 2. To clean grounds and prune shrubbery .....  | 300   |
| 3. To build a dyke to change the course of the creek channel .....   | 2,500 |
| 4. For permanently caring for said property per annum .....  | 300   |

The above, I think, is a fair estimate of cost, but I would recommend that the entire fence be taken up and reset, as it is so low that it will always require a greater expense to keep it clean and painted. This, in my judgment, would cost, including the painting, \$3,500.

Respectfully submitted,

FRANK B. HART.

Your committee would, therefore, recommend the passage of the bill accompanying this report. In this connection we wish to call the attention of the General Assembly to section 232 of the Revised Statutes of Indiana, of 1851, which reads as follows:

SEC. 232. TIPPECANOE BATTLE GROUND. (10.) It shall be the duty of the General Assembly to provide for the permanent enclosure and preservation of the Tippecanoe Battle Ground.

Respectfully submitted,

J. M. DRESSER,

FRANK BRANAMAN,

Senate Committee.

JOB OSBORN,

JACOB L. WHITE,

House Committee.

I concur in the above recommendation.

W. I. HOWARD,

House Committee.

The following is the bill introduced by the special committee on Tippecanoe Battle Ground:

A bill for an act providing for the permanent enclosure and preservation of the Tippecanoe Battle Grounds.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Board of Commissioners of the county of Tippecanoe are hereby charged with the duty of repairing and keeping in repair the fence and gates now enclosing the Tippecanoe Battle Ground, and the stiles by which visitors have access thereto; also, the duty of keeping the grounds, with the trees and shrubbery thereon, in proper order.

SEC. 2. The said Board of Commissioners are hereby authorized to expend for the purposes specified in the first section of this act such sums of money as may be necessary during the year 1887, not exceeding thirty-five hundred dollars, and annually thereafter not exceeding three hundred dollars (\$300). All such expenditures shall be paid from the State Treasury out of the General Fund upon the proper warrants of the Auditor of State, which he shall issue upon certified copies of allowances made by said Board of Commissioners.

SEC. 3. Said Board of Commissioners shall cause proper specifications of the repairs and work to be done during the year 1887, to be prepared and filed in the Auditor's office of said county, and shall give notice of the letting of the same by three weeks' publications in one or more newspapers in the city of Lafayette, and the contract for such repairs and work shall be made with the lowest bidder upon his furnishing bond with freehold sureties in the penalty double his bid, to the approval of said Board, conditioned as bonds are required by law for other public works.

SEC. 4. Said Board of Commissioners shall annually, at their December session, make an order for such repairs, work and care upon such Battle Ground as they may deem probably necessary for the ensuing year, and at their March session following shall let the work to the lowest bidder for that year, after three weeks' notice, and upon like bond as provided for in the third section of this act.

SEC. 5. It shall be the duty of said Board of Commissioners at their June and September sessions in each year to inspect said Battle Ground and see that the same and the enclosures are kept in proper state of preservation and order.

SEC. 6. Any person who shall in any manner wantonly or maliciously trespass upon or injure said Battle Ground or the inclosure thereof, or any of the structures, trees or shrubbery thereon, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be fined in any sum not exceeding one hundred dollars, to which may be added imprisonment in the county jail not exceeding six months.

Read first time and referred to Committee on Finance.

Senator Tharp moved that the regular order of business be suspended and that the roll be called for the introduction of bills.

The motion carried.

Senator Branaman introduced Senate Bill No. 294, entitled :

A bill for an act to regulate the taxing of fees by clerks of superior and circuit courts of the counties of the State of Indiana.

Which was read a first time and referred to the Committee on Fees and Salaries.

Senator Cox introduced Senate Bill No. 295, entitled :

A bill for an act to prohibit the publication and sale of pernicious literature, and providing penalties for the violation thereof.

Read a first time and referred to the Committee on Temperance.

Senator Drake introduced Senate Bill No. 296, entitled :

A bill for an act to amend section 282 of an act concerning proceedings in civil cases, approved April 7, 1881.

Which was read a first time and referred to the Committee on Judiciary.

Senator Duncan of Brown introduced Senate Bill No. 297, entitled :

An act to authorize the Board of Trustees of the Indiana University to sell and convey certain lands owned by said University, and to make deeds therefor.

Read a first time and referred to the Committee on Judiciary.

Senator Duncan of Brown also introduced Senate Bill No. 298, entitled :

An act legalizing the elections of trustees in the incorporated town of Jonesville, in Bartholomew County, Indiana, and to legalize all acts and ordinances of the said Board of Trustees, which are in conformity with the laws of the State of Indiana.

Read a first time and referred to the Committee on Judiciary.

Senator Griffith introduced Senate Bill No. 299, entitled :

An act to amend section 1 of an act entitled "An act to amend the 4th and 6th sections of the act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes, approved May 20, 1852, by providing that any companies which may have been incorporated in this State for any of the purposes contemplated in said act, with a fixed amount or limitation of capital, may increase the same by a vote of its stockholders in the same manner as is provided in said section for increasing capital stock, and providing for election of Directors and certain officers, and prescribing the manner of casting votes in such elections," approved March 11, 1861, said section being section 3857 of the Revised Statutes of 1881; the amendment herein provided for being to authorize the issue of preferred stock in certain cases, and to provide for notice of meetings.

Read a first time and referred to the Committee on Judiciary.

Senator Harness introduced Senate Bill No. 300, entitled :

An act regulating and protecting natural gas companies in laying mains, and defining their duties.

Read a first time and referred to the Committee on Judiciary.

Senator Harness introduced Senate Bill No. 301, entitled:

A bill for an act authorizing the Boards of County Commissioners to offer and pay certain rewards for the apprehension of persons charged with crime.

Which was read a first time and referred to the Committee on County and Township Business.

Also, Senator Harness introduced Senate Bill No. 302, entitled:

A bill for an act making it the duty of the Trustees of the several townships of this State to keep in good condition and free from shrubs, briars and noxious weeds, all the cemeteries and burying grounds in this State not now provided for by law to be kept.

Which was read a first time and referred to the Committee on County and Township Business.

Senator Kennedy introduced Senate Bill No. 303, entitled:

A bill for an act authorizing the Governor, Auditor and Treasurer of State, to make a loan to refund the present outstanding debt of the State at a lower rate of interest, and providing for a distribution of the amount due the school fund to the several counties of the State in the same manner as school funds are now distributed by law, and declaring an emergency.

Which was read a first time and referred to the Committee on Finance.

Senator Marshall introduced Senate Bill No. 304, entitled:

A bill for an act providing for the construction and maintaining of levees to protect lands subject to overflow.

Which was read a first time and referred to the Committee on Agriculture.

Senator Peterson introduced Senate Bill No. 305, entitled:

An act to amend section 24 of an act entitled "an act regulating descent and the apportionment of estate," approved May 14, 1852, being section 2487 of the Revised Statutes of 1881.

Read a first time and referred to the Committee on Judiciary.

Senator McClure introduced Senate Bill No. 306, entitled :

An act concerning voluntary associations for the purpose of forming fair associations for the improvement of the breeding and speed of stock and the promotion of agriculture, and authorizing such associations to hold real estate and personal property by purchase, gift or devise, and to sell and convey the same.

Read a first time and referred to the Committee on County and Township Business.

Senator McClure introduced Senate Bill No. 307, entitled :

An act to amend section 1 of an act entitled an act authorizing public aid to corporations erecting bridges over streams forming a boundary of this State, approved March 5, 1881, and being section 3562, Revised Statutes.

Which was read a first time and referred to the Committee on Corporations.

Senator Rahm introduced Senate Bill No. 308, entitled :

An act to repeal section 217 of an act entitled an act concerning public offenses and their punishment, approved April 14, 1881, being section 2127 of the Revised Statutes of 1881, and declaring an emergency.

Read a first time and referred to the Committee on Labor and Labor Statistics:

Senator Schloss introduced Senate Bill No. 309, entitled :

A bill for an act to regulate the charges allowed for the use of telephones, prescribing certain duties of telephone companies, fixing a penalty for its violation, repealing all laws in conflict therewith, and declaring an emergency.

Read a first time and referred to the Committee on Judiciary.

Senator Shroyer introduced Senate Bill No. 310, entitled :

An act to enable county commissioners to purchase toll roads, and to declare them free to the public.

Read a first time and referred to the Committee on County and Township Business.

Senator Tharp introduced Senate Bill No. 311, entitled :

An act to amend section 2 of an act to amend section 16 of an act entitled an act regulating the working of coal mines, and declaring a lien upon the works and machinery for work and labor in mining coal, etc.

Read a first time and referred to Committee on Mines and Mining.

Senator Winter introduced Senate Bill No. 312, entitled:

An act for the relief of Clarence Ellis.

Read a first time and referred to the Committee on Claims.

Senator Winter introduced Senate Bill No. 313, entitled :

An act appropriating \$500 to Dye & Fishback for services rendered the Provisional Board of Trustees of the Indiana Hospital for the Insane.

Read a first time and referred to the Committee on Claims.

Also, Senate Bill No. 314, entitled :

An act to amend an act limiting the amount of taxes that may be levied by the Board of County Commissioners, having a voting population of over twenty-four thousand, as shown by the votes cast for Governor at the last preceding election, repealing all laws in conflict therewith, and declaring an emergency, approved March 17, 1885.

Read a first time and referred to the Committee on the City of Indianapolis.

Senator Winter introduced Senate Bill No. 315, entitled:

An act relating to insurance companies organized under the laws of any other State, or any foreign company transacting the business of insuring plate glass in this State.

Read a first time and referred to Committee on Insurance.

Senator Winter introduced Senate Bill No. 216, entitled :

An act authorizing cemetery associations formed under an act entitled an act concerning the organization of voluntary associations, and repealing former laws in reference thereto,

approved February 1, 1885, or under any other act of the General Assembly to loan their surplus funds, and with other securities authorized by their articles of associations to take as security mortgages on real estate and to hold and dispose of the real estate that may be taken upon foreclosure of said mortgages.

Read a first time and referred to Committee on Judiciary.

Senator Weir offered Senate Resolution No. 78, as follows:

*Resolved*, That it is the sense of the Senate that the laws regulating the management of the Hospital for the Insane should be so amended that the expense of caring for the insane who have estates out of which the cost of such care can be paid, should be paid out of the estate of such person at the same rate per capita that it costs the State for such care, in accordance with the recommendation of the Governor in his message; that the Committee on Benevolent Institutions be instructed to report a bill or otherwise in harmony with this resolution.

Read and referred to the Committee on Benevolent Institutions.

Senator Marshall presented a petition from citizens of Warren County, which was referred to the Committee on Temperance without reading.

Senator Rahm presented a petition from citizens of Vanderburg County remonstrating against the passage of bill prohibiting the shooting of quail at any season.

Referred to Committee on Agriculture.

The Committee on Benevolent Institutions was granted a leave of absence till 3 p. m.

Senator Schloss moved to refer Senate Bill No. 13 to a special committee of one with instructions.

The motion carried.

Senator Schloss was appointed said committee.

House bills on first reading were taken up.

Engrossed House Bill No. 23 was read a first time and referred to the Committee on Military Affairs.



Engrossed House Bill No. 15 was read a first time and referred to the Committee on County and Township Business.

Engrossed House Bill No. 293 was read a first time and referred to the Committee on Judiciary.

House Bill No. 64 was read a first time and referred to the Committee on Judiciary.

Engrossed House Bill No. 289 was read a first time and referred to the Committee on Judiciary.

The following message was received from the House:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bill No. 208, a bill concerning the organization of voluntary associations, with accompanying engrossed amendments, and the same are herewith transmitted to the Senate.

W. H. SMITH,  
Clerk.

Senate Bill No. 208, returned from the House, was referred to a special committee of three, consisting of Senators Sellers, Winter and Tharp.

Engrossed House Bill No. 293 was read a first time and referred to the Committee on Judiciary.

Engrossed House Bill No. 298 was read a first time and referred to the Committee on Judiciary.

Engrossed House Bill No. 109 was read a first time and referred to Committee on Agriculture.

Engrossed House Bill No. 20 was read a first time and referred to Committee on Education.

Engrossed House Bill No. 10 was read a first time and referred to Committee on Judiciary.

Engrossed House Bill No. 66 was read a first time and referred to the Committee on Roads.

Engrossed House Bill No. 235 was read a first time and referred to Committee on Judiciary.

Engrossed House Bill No. 290 was read a first time and referred to Committee on Judiciary.

Engrossed House Bill No. 223 was read a first time and referred to the Committee on Judiciary.

Engrossed House Bill No. 294 was read a first time and referred to the Committee on Judiciary.

House bills on second reading were taken up.

Engrossed House Bill No. 46 was read a second time, with the report of the committee.

The report was concurred in.

Engrossed House Bill No. 143 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

Senate bills on second reading were taken up.

Senate Bill No. 35 was read a second time, with the report of the committee.

The report of the committee was concurred in.

Senator Urmston offered the following amendment to Senate Bill No. 35:

Amend Senate Bill No. 35 by inserting after the word "to-wit," in line 6 of section 1, the words, "section 62."

S. E. URMSTON.

Adopted.

Senate Bill No. 35 was ordered engrossed.

Senator Sellers, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 224, introduced by Senator Bailey, having had the same under consideration, begs leave to submit the following report: Your committee recommends that said bill be indefinitely postponed.

Senator Sellers, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 249, introduced by Senator Peterson, having had the same under consideration, begs leave to submit the following report: Your committee recommends that said bill be indefinitely postponed.

Senator Sellers, from Committee on Judiciary, made the following report:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 251, introduced by Senator Shroyer, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be indefinitely postponed.

Senator Sellers, from Committee on Judiciary, made the following report:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 252, introduced by Senator Tharp, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be indefinitely postponed.

Senator Sellers, from Committee on Judiciary, made the following report:

**MR. PRESIDENT:**

Your Committee on Judiciary, to whom was referred Senate Bill No. 253, introduced by Senator Trippet, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be indefinitely postponed.

Senator Sellers, from the Committee on Judiciary, made the following report:

**MR. PRESIDENT:**

Your Committee on Judiciary, to whom was referred Senate Bill No. 269, introduced by Senator Trippet, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be indefinitely postponed.

Senator Sellers, from the Committee on Judiciary, made the following report:

**MR. PRESIDENT:**

Your Committee on Judiciary, to whom was referred Senate Bill No. 273, introduced by Senator Winter, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be indefinitely postponed.

Senator Sellers, from the Committee on Judiciary, made the following report:

**MR. PRESIDENT:**

Your Committee on Judiciary, to whom was referred Senate Bill No. 278, introduced by Senator Hale, having considered the same, begs leave to report recommending that said bill be passed.

Senator Sellers, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred Senate Bill No. 281, introduced by Senator Dresser, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be indefinitely postponed.

Senator Sellers, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred Senate Bill No. 51, introduced by Senator Thompson, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be indefinitely postponed.

Senator Sellers, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred Senate Bill No. 124, introduced by Senator Sellers, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be indefinitely postponed. •

Senator Sellers, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred Senate Bill No. 209, introduced by Senator DeMotte, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be passed.

Senator Sellers, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 207, introduced by Senator Cox, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be indefinitely postponed.

Senator Sellers, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 211, introduced by Senator Fowler, having considered the same, begs leave to recommend that the same be amended by inserting after the word "however" in line 19 of section 1, the following: "That arrangements may be made with the publishers of newspapers for the transmission of intelligence of general and public interest, out of its order, and that communications for and from officers of justice shall take precedence of all others: *And, provided further,*" and that when the same is so amended that it be passed.

Senator Sellers, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 214, introduced by Senator Thompson, having had the same under consideration, begs leave to submit the following report: Your committee recommends that said bill be indefinitely postponed.

Senator Sellers, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 212, introduced by Senator Fowler, having had the same under consideration, begs leave to submit the following report: Your committee recommends that said bill be indefinitely postponed.

Senator Sellers, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 225, introduced by Senator Thompson, having had the same under consideration, begs leave to submit the following report: Your committee recommends that said bill be indefinitely postponed.

Also, on Senate Bill No. 158:

MR. PRESIDENT:

Your Committee on the Judiciary, to whom was referred Senate Bill No. 158, report that they have had said bill under consideration, and they recommend that it be amended as follows:

Amend section 1 by inserting after the word "three" the words, "to be fixed by the Board of Commissioners by an order entered of record."

Amend section 2 by inserting after the words "shall be," the words, "one for each Justice of the Peace therein not exceeding."

Amend section 5 by inserting after the word "cost," the words "earned, taxed or assessed after the taking effect of this act."

Amend section 6 by inserting after the words, "collected and all," and after the word "cost," the words, "earned, taxed and."

And after it is so amended, that it do pass.

Also, the following report on Senate Bill No. 246:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 246, introduced by Senator Johnson, having had the same under consideration, begs leave to submit the following report: Your committee recommends that said bill be passed.

Senator Sellers, from a special committee, offered the following report on House Bill No. 208:

MR. PRESIDENT:

Your committee, to whom was referred House amendments to Senate Bill No. 208, having considered the same, begs leave to recommend that said amendments be concurred in.

SELLERS,  
Chairman.

The report of the committee was concurred in.

Senate Bill No. 75 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

Senator Thompson of Marion moved that Senate Bill No. 32 be engrossed.

On motion of Senator Zimmerman, the Senate adjourned.

## AFTERNOON SESSION.

FEBRUARY 17, 1887.

The Senate met, pursuant to adjournment, at 2 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Senator Sellers was granted a leave of absence until next Monday.

Senate Bill No. 32 was read a second time.

The report of the committee was concurred in, and the bill was ordered engrossed.

Senate Bill No. 152 was read a second time.

The report of the committee was concurred in, and the bill was ordered engrossed.



Senate Bill No. 203 was read a second time.

The report of the committee was concurred in, and the bill was ordered engrossed.

Senate Bill No. 42 was read a second time, with the report of the committee.

The report of the committee was concurred in.

Senator Sellers offered the following amendment to Senate Bill No. 42:

MR. PRESIDENT:

I move to amend section 1 of Senate Bill No. 42, by inserting the word "snipe" after the word "woodcock," in line 6 of said section.

Adopted.

Senate Bill No. 42 was ordered engrossed as amended.

Senate Bill No. 16 was taken up and read with the majority and minority reports of the committee.

Senator Dresser moved to concur in the majority report of the committee.

Senator Sellers moved to amend by substituting the minority for the majority report.

The ayes and noes were demanded and taken and resulted as follows:

Those voting in the affirmative were:

Senators Bailey, Branaman, Cox, Duncan of Brown, Griffith, Hale, Howard of Decatur, Logsdon, McClure, Sellers, Shively, Smith of Wells, Tharp, Urmston, Weir, Zimmerman, and Mr. President. Total, 17.

Those voting in the negative were:

Senators Andrew, Berry, Campbell, Davis, DeMotte, Drake, Dresser, Harness, Huston, Johnson, Kennedy, Macy, Mullinix, Peterson, Rahm, Schloss, Thompson of Marion, Winter. Total, 18.

So the minority report was not substituted for the majority report.

The question recurring on the motion to concur in the majority report.

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Berry, Campbell, Davis, DeMotte, Drake, Dresser, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Mullinix, Peterson, Schloss, Thompson of Marion, and Winter. Total, 18.

Those voting in the negative were :

Senators Bailey, Bryant, Cox, Duncan of Brown, French, Griffith, Hale, Howard of Decatur, Logsdon, McClure, Rahm, Sellers, Shively, Smith of Wells, Tharp, Urmston, Weir, Zimmerman and Mr. President. Total, 19.

So the motion was lost.

Senator Sellers moved that Senate Bill No. 16 be indefinitely postponed.

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Bailey, Branaman, Cox, Duncan of Brown, French, Griffith, Hale, Howard of Decatur, Logsdon, McClure, Sellers, Shively, Smith of Wells, Tharp, Urmston, Weir and Mr. President. Total, 17.

Those voting in the negative were :

Senators Andrew, Berry, Campbell, Davis, DeMotte, Drake, Dresser, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Mullinix, Peterson, Rahm, Shroyer, Thompson of Marion, Winter and Zimmerman. Total, 21.

So the motion to indefinitely postpone was lost.

Senate Bill No. 67 was taken up and read a second time.

Senator Winter offered the following amendment (No. 1) to Senate Bill No. 67:

**MR. PRESIDENT :**

I move to amend Senate Bill No. 67, as follows:

Strike out of section 1 the words "eighteen hundred," and insert in lieu thereof the words "one thousand." Insert in section 2 after the words "no more," the words "which shall be in full for all services rendered by such Trustee by virtue of his office, of whatsoever nature or character, and it shall be unlawful for said Trustee to receive or retain, or for the Board Commissioners to allow such Trustee any sum for his own use and benefit, in excess of said sum on any account whatsoever." Strike out of section 3 the words "eighteen hundred," and insert in lieu thereof the words "twelve hundred."

Senator Logsdon offered the following amendment to the amendment:

MR. PRESIDENT:

I move to amend Senate Bill No. 67 by striking out of lines 6, 7 and 8, the words "shall in lieu of such per diem receive the sum of eighteen hundred dollars per annum and no more," and substituting in lieu thereof the words "for each day's attendance as a member of the County Board, shall receive the sum of five dollars."

And also, by striking out of line 8, in section 2, the word "eighteen" and substituting in lieu thereof the word "twelve," and by striking out of line 6, in section 3, the word "eighteen" and substituting in lieu thereof the word "twelve."

Senator Bailey offered the following substitute for the amendment and the amendment to the amendment:

MR. PRESIDENT:

I move to amend Senate Bill No. 67 by striking out of line 7, section 1, the word "eighteen" and inserting in lieu thereof the word "fifteen."

Also, in section 2, line 8, strike out the word "eighteen" and insert in lieu thereof the word "fifteen."

Also, in section 3, page 2, line 6, strike out the word "eighteen" and insert in lieu thereof the word "fifteen."

Senator Davis moved to indefinitely postpone Senate Bill No. 67.

The ayes and noes being demanded and taken, resulted as follows:

Those voting in the affirmative were :

Senators Campbell, Cox, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, French, Harness, Howard of Decatur, Huston, Kennedy, Zimmerman. Total, 13.

Those voting in the negative were :

Senators Andrew, Bailey, Berry, Branaman, Duncan of Brown, Ensley, Griffith, Hale, Johnson, Logsdon, Macy, Marshall, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Shroyer, Shively, Thompson of Marion, Tharp, Urmston, Winter, Mr. President. Total, 26.

So the motion was lost.

The question recurring on the motion to adopt the substitute.

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Bailey, Berry, Branaman, French, Griffith, Hale, McClure, McDonald, Peterson, Schloss, Shively, Thompson of Marion, Urmston, Mr. President. Total, 14.

Those voting in the negative were :

Senators Andrew, Campbell, Cox, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Harness, Howard of Decatur, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, Moon, Mullinix, Rahm, Shroyer, Smith of Wells, Tharp, Winter, Weir and Zimmerman. Total, 27.

So the motion was lost and the substitute not adopted.

The question recurring on the motion to adopt the amendment to the amendment.

The motion was lost.

Senator Bailey offered the following amendment to Senator Winter's amendment :

**MR. PRESIDENT:**

I move to amend the amendment offered by Senator Winter from Marion so as to make the salary per year of Commissioners, Trustee and Assessor \$1,200 each.

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were :

Senators Andrew, Bailey, Berry, Branaman, French, Griffith, Hale, Howard of Decatur, Logsdon, McDonald, Mullinix, Peterson, Schloss, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Mr. President. Total, 19.

Those voting in the negative were :

Senators Campbell, Cox, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McClure, Moon, Rahm, Shroyer, Winter, Weir, Zimmerman. Total, 22.

So the amendment to the amendment was lost.

The question recurring on the motion to adopt Senator Winter's amendment.

The motion carried.

The bill was ordered engrossed.

Senate Bill No. 191 was taken up and read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

Senate Bill No. 210 was taken up and read a second time, with the majority and minority reports of the committee thereon.

The question being on the adoption of the majority report.

Senator Macy moved that the minority be substituted for the majority report.

Senator Winter offered the following amendment to minority report of Senate Bill No. 210, as follows :

MR. PRESIDENT :

I move to amend the minority report by changing the words "printed and published therein" so that they will immediately follow the word "newspaper," and by inserting the word "and" after the word "published."

Amendment adopted.

The question being on the motion to adopt the minority report as amended,

The motion carried.

Senator Rahm offered the following amendment to Senate Bill No. 210 :

MR. PRESIDENT :

I move to amend Senate Bill No. 210 as follows : by striking out "fifteen thousand" wherever it occurs and insert the words, "eight thousand."

Adopted.

Senator Johnson offered the following amendment to Senate Bill No. 210 :

MR. PRESIDENT :

I move to amend Senate Bill No. 210 by striking out the third section of said bill.

Senator Winter offered the following amendment to the amendment :

Amend section 1 by adding thereto the following : "*And, provided further,* That the said advertisement shall be set in solid reading type of the same size as that in which the body of the ordinary business advertising in said paper is set, without any leads or other devices for increasing the space, except as hereinafter specified ; and said advertisement shall be set up without more than two display lines to each advertisement, neither of which display lines shall occupy space greater than four solid lines of the ordinary reading type in which the body of said advertisement is set.

Accepted.

The question recurring on the motion to adopt Senator Johnson's amendment as amended.

It was adopted as amended.

On motion of Senator Cox, the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

## FRIDAY MORNING.

FEBRUARY 18, 1887.

The Senate met in regular session at 9:30 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by Mr. Van Slyke, of the House of Representatives.

On motion of Senator Shively, the reading of the journal was dispensed with.

Senator Shively, at the request of Senator Sellers, offered the following Concurrent Resolution No. 11:

WHEREAS, The Statutes provide that the Assistant Secretary shall index the journals of the Senate, and that the Senate shall allow him a just compensation for the same. See Revised Statutes of 1881, section 4983; and,

WHEREAS, At the last session of the General Assembly the Assistant Secretary made out and presented his claim in strict accordance with former allowances for such services, as follows:

For the regular session.....	\$300 00
For the special session.....	150 00

Total.....	\$450 00
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Which amount was allowed, but, on motion of Senator Schloss, it was reconsidered for the purpose of amendment, which amendment, by Senator Schloss, was to allow the Principal Secretary the same. This amendment caused the matter to be referred to a special committee on claims, which, in the hurry and confusion incident to the closing hours of the General Assembly, recommended an allowance to each of \$250, which was hastily allowed, which reduced the Assistant Secretary's allowance to \$250, which was wholly inadequate; therefore, be it

*Resolved by the Senate, the House of Representatives concurring,* That the Assistant Secretary of the Fifty-Fourth General Assembly, Mr. John D. Carter, be, and is, hereby allowed the additional sum of \$200 as a compensation for such services, the same to be paid out of the appropriation for legislative purposes, and the President of the Senate is hereby instructed to draw his warrant for said amount.

Read and referred to the Committee on Claims.

Senator Zimmerman, from the Committee on Enrolled Bills, made the following report :

**MR. PRESIDENT :**

Your Committee on Enrolled Bills have compared Engrossed Senate Bill No. 208 with Senate Enrolled Act No. 208, together with Engrossed House Amendments to said bill, and find the same correctly enrolled.

Senator Hale called up Senate Bill No. 278, which was read a second time, together with the report of the committee thereon.

The report of the committee was concurred in.

Senator Hale moved that the constitutional rule be suspended, and that the bill be considered as engrossed and read a third time by sections and put upon its passage.

The roll being called resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Barrett, Berry, Branaman, Bryant, Cox, Davis, Day, Drake, Dresser, Duncan of Brown, Ensley, Fowler, Griffith, Hale, Harness, Huston, Johnson, Kennedy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Schloss, Sears, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Weir, Mr. President. Total, 34.

Voting in the negative, none.

So the constitutional rule was suspended.

Senate Bill No. 278 was considered engrossed and read a third time by sections and put upon its passage.

The roll being called resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Barrett, Berry, Branaman, Bryant, Cox, Day, Drake, Dresser, Duncan, of Tipton, Duncan of Brown, Ensley, Fowler, Griffith, Hale, Harness, Huston, Johnson, Kennedy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Schloss, Sears, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Winter, Weir, Zimmerman, Mr. President. Total, 36.

No one voting in the negative.

So the bill passed.



The title of the bill as read was adopted as the title to the act.

Senate Bill No. 210 was taken up under the order of unfinished business.

Senator McDonald moved that further consideration of said bill be postponed until next Monday at 2 o'clock p. m.

The motion was lost.

Senator Johnson offered the following amendment to Senate Bill No. 210:

MR. PRESIDENT:

I move to amend section one of Senate Bill No. 210, by adding to the same the words: "And in case such officer shall be unable to procure such advertisement for the price fixed herein, it shall be sufficient for him to put up such matter, or printed notices, as the law requires, and such advertisement in a newspaper shall be dispensed with."

Amendment adopted.

Senator McDonald offered the following amendment to Senate Bill No. 210:

MR. PRESIDENT:

I move to strike out section two (2) of Senate Bill No. 210.

Senator Johnson moved that Senate Bill No. 210 be indefinitely postponed.

The motion carried.

Senate Bill No. 3, being the special order for this hour, 10:30 o'clock a. m., the same was taken up.

The question recurring on the motion to adopt Senator Bailey's amendment to Senator Sellers's amendment to said Senate Bill No. 3.

Senator Bailey withdrew his amendment to the amendment.

Senator McDonald presented a memorial in regard to Senate Bill No. 3, from the Grand Army of the Republic, in annual encampment, asking the Legislature to appropriate not less than \$200,000 for the erection of a Soldiers' and Sailors' Monument or Memorial Hall, on Circle Park, in the city of Indianapolis.

Memorial read for information.

The following message was received from the House :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 7, a bill concerning the improvement of streets in cities, and the same is herewith transmitted to the Senate.

W. H. SMITH,  
Clerk.

The question recurring on the motion of Senator Sellers to refer Senate Bill No. 3 to the Committee on Military Affairs with instructions.

The motion was lost.

Senator Johnson offered amendment No. 1 to Senate Bill No. 3, as follows :

MR. PRESIDENT :

I move to amend Senate Bill No. 3 by inserting the following section between the 10th and 11th sections of said bill, to-wit :

Section 11. That said Commissioners in this act provided for, may, in their discretion, subject to the directions and limitations herein contained, erect, instead of a monument, a memorial hall, or a monument and memorial hall combined, and in the event that they determine to erect either a memorial hall or a memorial hall and monument combined, then, and in that event, the powers and rights in this act contained shall be liberally construed to extend to and embrace such new erection, and the word "monument," wherever it occurs in this act, shall be construed to read "memorial hall" or "memorial hall and monument combined," according to whichever kind of erection the said Commissioners may have determined upon.

Adopted.

Senator McDonald moved that the report of the Committee on Military Affairs be concurred in.

The motion carried.

Senator Logsdon offered the following amendment to Senate Bill No. 3:

MR. PRESIDENT:

I move to amend section 2 of Senate Bill No. 3 by striking out the word "five," in line 2 of said section, and inserting in lieu thereof the word "three," and by striking out of line 3 in said section, the word "two," and inserting in lieu thereof the word "one."

Lost.

The bill was read a second time.

Senator Weir moved to suspend the constitutional rule, and that the bill be considered as engrossed, read a third time and put upon its passage.

The roll being called, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Berry, Campbell, Cox, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, French, Griffith, Harness, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Sears, Shively, Smith of Wells, Thompson of Marion, Winter, Weir, Zimmerman and Mr. President. Total, 38.

Those voting in the negative, none.

So the constitutional rule was suspended.

Senate Bill No. 3 was considered as engrossed, read a third time by sections and put upon its passage.

The roll being called resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Campbell, Cox, Davis, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, French, Griffith, Hale, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Sears, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Winter, Weir, Zimmerman, Mr. President. Total, 45.

Voting in the negative, none.

So the bill passed.

Senator Rahm was granted a leave of absence, and the President of the Senate ordered that the journal show, at Senator Rahm's request, that he would have voted for the passage of Senate Bill No. 3 if he had been present on its passage.

The title to Senate Bill No. 3 was referred to the Committee on Phraseology.

Senator DeMotte moved to take up House Joint Resolution No. 16, but, the regular order being demanded, the motion was not concurred in, the regular order being the consideration of Senate Bill No. 145.

Senate Bill No. 145 was taken up and read a second time with the report of the committee thereon.

The report of the committee was concurred in.

Senator Campbell moved that the constitutional rule be suspended, that Senate Bill No. 145 be considered as engrossed and read a third time and put upon its passage.

The roll being called, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Barrett, Berry, Bryant, Campbell, Cox, Davis, Day, DeMotte, Dresser, Duncan of Brown, Ensley, Fowler, Hale, Harness, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Schloss, Shively, Smith of Wells, Thompson of Marion, Tharp, Tripet, Urmston, Winter, Weir, Zimmerman, Mr. President. Total, 35.

Voting in the negative, none.

So the constitutional rule was suspended.

Senate Bill No. 145 was considered engrossed, and read a third time by sections and put upon its passage.

The roll being called resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Barrett, Berry, Bryant, Campbell, Cox, Davis, Day, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Griffith, Harness, Huston, Johnson, Kennedy, Logsdon,

Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Schloss, Shively, Thompson of Marion, Tharp, Trippet, Urmston, Winter, Weir. Total, 36.

Those voting in the negative were :

Senators Fowler and Zimmerman. Total, 2.

So the bill passed.

The title of the bill as read was adopted as the title of the act.

On motion of Senator Weir the Senate adjourned.

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## AFTERNOON SESSION.

FEBRUARY 18, 1887.

The Senate met pursuant to adjournment at 2 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Senator Mullinix moved that when the Senate adjourn it adjourn until next Monday morning at 10 o'clock.

The motion lost.

The President of the Senate ordered that the journal show that if Senator Shroyer had been present when Senate Bill No. 3 passed he would have voted for its passage.

Senator Thompson of Marion moved that when the Senate adjourn it adjourn until Monday at 11 o'clock.

Motion carried.

Senator Schloss presented a petition from the users of telephones at Terre Haute, Indiana, asking the repeal of the telephone law.

Read and referred to Committee on Judiciary.

Senator Logsdon called up Senate Bill No. 75, which was read a third time.

Senator McDonald asked a leave of absence for Mr. J. D. Carter, Assistant Secretary of the Senate, until next Tuesday.

The leave of absence was granted.

The following message was received from the House:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has adopted Senate Concurrent Resolution No. 1, relating to the repeal of that portion of the copyright law which applies to school text-books.

Also, that the House has adopted Senate Concurrent Resolution No. 10, concerning the payment of certain claims for legislative expenses.

Also, that the House has passed Engrossed Senate Bill No. 278, legalizing the incorporation of the town of Dunkirk, and the same are herewith transmitted.

W. H. SMITH,  
Clerk.

The question being, Shall Senate Bill No. 75 pass?

The roll being called, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Barrett, Berry, Bryant, Campbell, Cox, Davis, Day, DeMotte, Dresser, Duncan of Brown, Ensley, Fowler, Hale, Harness, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Schloss, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Winter, Weir, Zimmerman, and Mr. President. Total, 35.

Voting in the negative, none.

So the bill passed.

The title to the bill was referred to the Committee on Phraseology.

Senator Moon called up Senate Bill No. 45.

The bill was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

Senator Moon moved that the constitutional rule be suspended, that Senate Bill No. 45 be considered as engrossed and read a third time and put upon its passage.

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Barrett, Berry, Bryant, Campbell, Cox, Day, DeMotte, Dresser, Duncan of Brown, Ensley, Fowler, Hale, Harness, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Schloss, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Winter, Weir, Zimmerman, Mr. President.

Those voting in the negative, none.

So the rule was suspended.

Senate Bill No. 45 was considered as engrossed, and read a third time by sections and put upon its passage.

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Barrett, Berry, Bryant, Campbell, Cox, Day, DeMotte, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, Hale, Harness, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Schloss, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Winter, Weir, Zimmerman, and Mr. President. Total, 35.

Those voting in the negative, none.

So the bill passed.

The title to the bill as read was adopted as the title to the act.

Senator Harness called up House Bill No. 46.

The bill was read a third time and put upon its passage.

The question being, Shall House Bill No. 46 pass?

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Barrett, Berry, Bryant, Campbell, Cox, Davis, Day, DeMotte, Dresser, Duncan of Tipton, Duncan of

Brown, Ensley, Fowler, Hale, Harness, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Schloss, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Winter, Weir, Zimmerman, Mr. President. Total, 36.

Voting in the negative, none.

So the bill passed.

The title to the bill as read was adopted as the title to the act.

Senator Bryant asked that House Bill No. 235 be referred to the Committee on County and Township Business.

It was so ordered.

Senate Bill No. 191 was taken up at the request of Senator Winter and read a third time and put upon its passage.

The question being, Shall the bill pass?

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Barrett, Berry, Bryant, Campbell, Cox, Davis, Day, DeMotte, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, Hale, Harness, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Schloss, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Winter, Weir, Zimmerman, and Mr. President. Total, 35.

No one voting in the negative.

So the bill passed.

The title to the bill as read was adopted as the title to the act.

Senator Dresser, from the Committee on Finance, offered the following report on Senate Bill No. 293 :

MR. PRESIDENT :

Your Committee on Finance, to whom was referred Senate Bill No. 293, introduced by Senator Dresser, have considered the same, and said bill is herewith reported back with a recommendation that it do pass.



Senator Dresser moved that Senate Bill No. 293 be taken up out of its order.

The motion carried.

Senate Bill No. 293 was read a second time with the report of the committee thereon.

The report of the committee was concurred in.

Senator Dresser moved that the constitutional rule be suspended, that the bill be considered engrossed, and read a third time and put upon its passage.

The roll being called resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Barrett, Berry, Bryant, Campbell, Cox, Davis, Day, DeMotte, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, Harness, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Schloss, Shively, Smith of Wells, Thompson of Mariou, Urmston, Winter, Weir, Zimmerman, Mr. President. Total, 34.

Those voting in the negative, none.

So the rule was suspended.

Senate Bill No. 293 was considered as engrossed and read a third time and put upon its passage.

The question being, Shall Senate Bill No. 293 pass ?

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Barrett, Berry, Bryant, Campbell, Cox, Davis, Day, DeMotte, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, Hale, Harness, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Peterson, Schloss, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Weir, Zimmerman and Mr. President. Total, 34.

Those voting in the negative were :

Senator Winter. Total, 1.

So the bill passed.

The title to the bill as read was adopted as the title to the act.

Senator Smith of Wells, from the Committee on Phraseology, made the following report on Senate Bill No. 75 :

MR. PRESIDENT:

Your Committee on Phraseology, to whom was referred Engrossed Senate Bill No. 75, have examined the same, and recommend that the title be amended to read as follows: "An act for the relief of Rasselas Jones, refunding to him the purchase money, and interest thereon, paid for certain real estate sold as university lands by the State when the title was in one William L. Barker and his successors, and declaring an emergency."

Report of the committee was concurred in.

Senator Barrett moved that Senate Bill No. 57 be taken up out of its order.

The motion was lost.

Senate Bill No. 11 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

Senate Bill No. 23 was taken up and read a second time, with the report of the committee thereon.

The report of the committee was concurred in and the bill ordered engrossed.

Substitute Senate Bill for bills 27 and 68 was taken up and read a second time, with the report of the committee thereon, and was ordered engrossed.

Senator Weir made the following motion:

MR. PRESIDENT:

I move to reconsider the vote of the Senate by which the Senate concurred in the amendments of the House to Senate Bill No. 208.

Substitute Senate Bill No. 31 was read a second time, with the report of the special committee thereon.

Senator Barrett moved to recommit Senate Bill No. 31 to the Committee on County and Township Business.

The motion carried.

Senate Bill No. 33 was taken up and read a second time, with the report of the committee thereon.

Senator Tharp moved that Senate Bill No. 33 be indefinitely postponed.

The motion carried.

Senate Bill No. 34 was read a second time, with the report of the committee thereon.

The following message was received from the House:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed Engrossed Senate Bill No. 108, a bill to establish a school for feeble-minded children, with certain engrossed amendments thereto.

Also, Engrossed House Bill No. 323, relating to incorporation of manufacturing companies.

Also, House Concurrent Resolution for the appointment of Sinking Fund Committee.

Also, House Concurrent Resolution No. 5, concerning the making of a reciprocity treaty with Canada.

Also, Senate Concurrent Resolution No. 5, in regard to the employment of a stenographer.

And the same are herewith transmitted to the Senate.

W. H. SMITH,  
Clerk.

The question being, Will the Senate concur in the report of the committee on Senate Bill No. 34?

Motion carried, and the bill ordered engrossed.

Senate Bill No. 49 was read a second time, with the report of the committee thereon.

Senator Winter moved that Senate Bill No. 49 be recommit-  
ted to the Committee on Mines and Mining.

Motion carried.

Senate Bill No. 55 was read a second time, with the majority and minority reports of the committee thereon.

Senator Weir moved that Senate Bill No. 55 be postponed until next Wednesday, and that Senator Howard of St. Joseph have the privilege to then call it up.

The motion carried.

Senate Bill No. 56 was read a second time, with the report of the committee thereon.

Senators Johnson and Peterson were granted a leave of absence for the day.

Senator Fowler moved to recommit Senate Bill No. 56 to the Committee on Banks and Banking.

The motion carried.

Senate Bill No. 57 was taken up and read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

Senator Barrett offered the following amendment to Senate Bill No. 57:

**MR. PRESIDENT:**

I move to amend Senate Bill No. 57 by striking out the words "his respective township" in line 4 of section 2 and by inserting the word "county" in lieu thereof, and by inserting after the word "served" in line 15 of section 3 the words, "at least five days before the time set for such hearing."

Also, by adding the following section to said bill:

**SEC. 11.** Whereas an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

Amendment adopted.

Senator Barrett offered the following amendment to Senate Bill No. 57:

MR. PRESIDENT:

I move to amend section 11 of Senate Bill No. 57 by striking out the words "more than ten miles in length, or" in lines 1 and 2 of said section, and by striking out the word "in" in line 2 of said section and by inserting the word "into" in lieu thereof.

Adopted.

Senator Barrett moved that Senate Bill No. 57 be engrossed.

The motion carried.

Senator Barrett moved that Senate Bill No. 108 be referred to a special committee of three, to consider the amendments of the House.

Senators Barrett, McDonald and Campbell were appointed as said committee.

The following communication was received from the Governor:

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, February 18, 1887. }

*To the Honorable, the President of the Senate:*

The Governor will give a reception on next Thursday evening, the 24th inst., from 7 to 12 o'clock, at his residence, No. 248 North Pennsylvania street, corner of Michigan street, to the officers and members of the General Assembly and their families, who are cordially invited to be present.

PIERRE GRAY,  
Private Secretary.

Ordered spread of record on the Journal.

Senator Thompson of Marion presented the following report on Senate Bill No. 243:

MR. PRESIDENT:

Your Committee on Cities, to whom was referred Senate Bill No. 243, have had the same under consideration, and recommend that the bill be passed.

Senate Bill No. 38 was taken up and read, with the report of the committee thereon.

The report of the committee was concurred in, and the bill was ordered engrossed.

Senate Bill No. 59 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

Senate Bill No. 60 was read a second time, and the report of the committee was concurred in.

The bill was ordered engrossed.

Senator Shively introduced Senate Bill No. 318, entitled:

An act fixing time of holding courts in the Twenty-Fourth and Fiftieth Judicial Circuits, and the length of terms thereof, providing for the appointment of a judge and prosecuting attorney, and regulating other matters connected therewith, repealing all laws inconsistent, and declaring an emergency.

Read first time and referred to Judiciary Committee.

Senator Campbell introduced Senate Bill No. 319, entitled:

A bill for an act defining the Nineteenth and Fiftieth Judicial Circuits, fixing the time of holding courts therein.

Read first time and referred to Committee on Organization of Courts.

Senator Weir introduced Senate Bill No. 320, entitled:

An act to repeal an act entitled an act authorizing the sale and conveyance of certain lands belonging to the State of Indiana, disposing of the proceeds thereof, and providing for the recovery of the possession of any lands of the State unlawfully occupied, and for the rent of any of the lands of the State until sold, approved March 7, 1883, and declaring an emergency.

Read first time and referred to Committee on Swamp Lands.

Senator Dresser introduced Senate Bill No. 321, entitled:

A bill for an act prohibiting the exhibition of any circus, menagerie, or traveling show, exhibiting in tents, from exhibiting in any county having an agricultural or fair association in such county during the week or time set apart for holding any fair by such association, and declaring an emergency.

Read first time and referred to Committee on Agriculture.

Senator Ensley introduced Senate Bill No. 322, entitled:

A bill for an act conferring on Marshals of incorporated towns the powers of Constables, and declaring an emergency.

Read a first time and referred to the Committee on Cities and Towns.

Senator Howard introduced Senate Bill No. 323, entitled:

A bill for an act to amend section 8 of an act entitled an act to amend sections 78, 79 and 83, the same being sections 4373, 4374 and 4378 of the Revised Statutes of 1881, of an act entitled an act to provide for a system of common schools, the officers thereof, and their respective duties, etc.

Read a first time and referred to Committee on County and Township Business.

Senator Logsdon, from the Committee on Corporations, offered the following report on Senate Bill No. 307:

MR. PRESIDENT:

Your Committee on Corporations, to whom was referred Senate Bill No. 307, introduced by Senator McClure, have considered the same, and direct me to report that they recommend its passage.

Senator Berry, from the Committee on Agriculture, presented the following report on Senate Bill No. 109:

MR. PRESIDENT:

Your committee, to whom was referred Engrossed House Bill No. 109, have had the same under consideration, and recommend the following amendments:

On page five (5), section four (4), in lines seven (7)) and eight (8), the following words be stricken out: "Including hog cholera or swine plague;" and further, in the same section, last line, after the word "necessary," the following words be added: "*Provided*, That the provisions of this bill shall not apply to swine."

And the committee further recommend that when said bill is so amended that it do pass.

On motion of Senator Tharp the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

## MONDAY MORNING.

FEBRUARY 21, 1887.

The Senate met in regular session at 10 o'clock, Hon. A. G. Smith in the chair.

Opened with prayer by Senator Smith of Wells.

The reading of the journal was being proceeded with when, on motion of Senator Barrett, its further reading was dispensed with.

Senator Barrett introduced Senate Bill No. 324, entitled:

An act to provide for the control, government and discipline of the State Prison North and the State Prison South by one board of directors, to repeal laws therein mentioned, and declaring an emergency.

Read and referred to Committee on Prisons, with privilege to report at any time.

Senator Sellers introduced Senate Bill No. 325, entitled:

A bill for an act providing for the better government and management of the four Hospitals for the Insane, the Asylum for the Blind, and the Institution for the Education of the Deaf and Dumb, etc.

Read a first time and, on motion of Senator Weir, referred to a special committee of five, of which Senator Sellers is to be chairman.



Senator Fowler, from the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :

Your Committee on Enrolled Bills would report that they have compared Engrossed Senate Bill No. 278 with Enrolled Senate Bill No. 278, and find the same correctly enrolled.

Senator Trippet moved to take up Senate Bill No. 10 and consider it out of its order.

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Branaman, Bryant, Day, French, Griffith, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Rahm, Schloss, Sears, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Weir, Zimmerman, Mr. President. Total, 24.

Those voting in the negative were :

Senators Campbell, Cox, Drake, Ensley, Fowler, Harness, Huston, Johnson, Kennedy, Marshall, Sellers. Total, 11.

So the motion carried.

Senator Dresser was excused from attendance of the Senate for this day, Monday 21st inst.

Senate Bill No. 10 was taken up and read a second time, with the majority and minority reports thereon.

Senator Trippet moved that the Senate concur in the majority report.

Senator Campbell moved to amend Senator Trippet's motion by substituting the minority for the majority report.

Senator Sellers moved that Senate Bill No. 10 be referred to the Committee on Judiciary.

The motion carried.

Senator Barrett, from the Committee on Prisons, made the following report on Senate Bill No. 324 :

MR. PRESIDENT :

Your Committee on Prisons, to whom was referred Senate Bill No. 324, begs leave to report that they have had the same under consideration, and recommend it, said bill, do pass.

Concurred in.

Senator Barrett moved that the constitutional rule be suspended, that Senate Bill No. 324 be read a second time, and that the bill be considered as engrossed and read a third time, and put upon its passage.

The roll being called resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Weir, Zimmerman, Mr. President. Total, 28.

Those voting in the negative were :

Senators Campbell, Drake, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Shroyer. Total, 10.

So the rule was suspended.

Senator Bailey moved to make Senate Bill No. 324 a special order for 10 o'clock Tuesday morning next, and that 200 copies be printed.

The motion carried.

Senator French offered the following resolution :

MR. PRESIDENT :

*Resolved*, That the special committee, appointed for the purpose of investigating the State Benevolent Institutions, be and is hereby authorized to employ an expert accountant for the purposes of their work, and that the evidence taken before the committee or any sub-committee thereof be published by the Public Printer, from day to day, as rapidly as the same may be furnished by the stenographer thereof, for the use of

the committee, and that such matter be held in type by the Public Printer until all of said evidence be in, and that at the termination of the committee's work 1,000 copies of the same, together with their findings and report, be bound and given to the public.

Resolution adopted.

Senator Shively introduced Senate Bill No. 326, entitled :

A bill for an act to amend section 4 of an act entitled an act for the encouragement of agriculture, etc.

Read first time and referred to Committee on Agriculture.

Senator French, from the Committee on Finance, offered the following report on Senate Bill No. 283:

MR. PRESIDENT :

Your Committee on Finance, to whom was referred Senate Bill No. 283, have had the same under consideration and begs leave to report with the recommendation that the same be amended, as follows, to-wit:

By striking out of lines 2 and 3 of section 1 the words and figures "twenty thousand six hundred and ten dollars and forty-four cents (\$20,610.44)," and adding in lieu thereof the words and figures, "thirteen thousand one hundred and ninety-eight dollars and forty-four cents (\$13,198.44)," and when the bill is so amended that it do pass.

Also, the following report on Senate Bill No. 279:

MR. PRESIDENT :

Your committee, to whom was referred Senate Bill No. 279, introduced by Senator Dresser, had the same under consideration, and report the bill back with the recommendation that it do pass.

Senator Sears called up Engrossed Senate Bill No. 152, which was read a third time and put upon its passage.

The question being, Shall the bill pass?

The roll being called resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Branaman, Bryant, Campbell, Cox, Day, Drake, Duncan of Brown, Ensley, Fowler, French, Griffith, Harness, Howard of St. Joseph, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Mullinix, Rahm, Schloss, Sears, Shroyer, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Weir, Zimmerman, Mr. President. Total, 37.

Voting in the negative: Senator Sellers. Total 1.

So the bill passed.

The title to the bill as read was adopted as the title to the act.

Senator Johnson made the following motion:

MR. PRESIDENT:

I move to reconsider the vote whereby the Senate, on Friday last, ordered Senate Bill No. 34 engrossed.

Engrossed Senate Bill No. 203 was read a third time and put upon its passage.

The question being, Shall the bill pass?

The roll being called, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Berry, Branaman, Bryant, Cox, Day, Drake, Duncan of Brown, Fowler, French, Griffith, Hale, Harness, Howard of St. Joseph, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Mullinix, Rahm, Schloss, Shroyer, Sears, Shively, Thompson of Marion, Tharp, Trippet, Weir, Zimmerman, and Mr. President. Total, 35.

Those voting in the negative, none.

So the bill passed.

The title to the bill as read was adopted as the title to the act.

The Committee on Education was granted a leave of absence for to-morrow.

The President of the Senate announced that he had appointed on the special committee of five, to whom was referred Senate Bill No. 325, Senators Sellers, Barrett, McDonald, Marshall and Shroyer.

On motion of Senator Johnson, the Senate adjourned.

## AFTERNOON SESSION.

FEBRUARY 21, 1887.

The Senate met pursuant to adjournment at 2 o'clock.

Hon. A. G. Smith, President of the Senate, in the chair.

Senator Griffith moved to take up House Concurrent Resolution No. 17.

Senator Huston moved to amend by taking up House Concurrent Resolution No. 16.

Senator Sellers moved to amend Senator Huston's amendment by referring House Concurrent Resolution No. 17 to the Committee on Federal Relations, Rights and Privileges.

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Branaman, Bryant, Cox, Duncan of Brown, Fowler, French, Griffith, Hale, Logsdon, McClure, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Mr. President. Total, 23.

Those voting in the negative were :

Senators DeMotte, Drake, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, McDonald, Mullinix, Shroyer, Sears, Urmston, Weir, Zimmerman. Total, 16.

So the motion carried.

The question recurring on the motion of Senator Griffith to take up House Concurrent Resolution No. 16.

The motion carried and the resolution was adopted.

Senator Johnson called up Senate Bill No. 246, which was read a second time with the report of the committee thereon.

The report of the committee was concurred in.

Senator Johnson moved that the constitutional rule be suspended, that Senate Bill No. 246 be considered engrossed and read a third time and put upon its passage.

The roll being called, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Branaman, Bryant, Campbell, Cox, Day, DeMotte, Drake, Duncan of Brown, Ensley, French, Griffith, Hale, Harness, Howard of St. Joseph, Howard of Decatur, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Peterson, Rahm, Schloss, Shroyer, Sellers, Shively, Smith of Wells, Thompson of Marion, Urmston, Weir, Zimmerman, and Mr. President. Total, 38.

Those voting in the negative, none.

So the constitutional rule was suspended.

Senate Bill No. 246 was read a third time and put upon its passage.

The question being, Shall the bill pass?

The roll being called resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Branaman, Bryant, Campbell, Cox, Day, DeMotte, Drake, Duncan of Brown, Ensley, French, Griffith, Hale, Harness, Howard of Decatur, Howard of St. Joseph, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Marion, Urmston, Weir, Zimmerman, Mr. President. Total, 41.

Voting in the negative, none.

So the bill passed.

The title to the bill was referred to the Committee on Phraseology.

Senator Duncan of Brown moved that Senate Bill No. 236 be taken up, and that the report of the committee be concurred in.

The motion carried.

Senate Bill No. 236 was taken up and read a second time, with the report of the special committee thereon.

The report of the committee was concurred in.

Senator Weir moved that the constitutional rule be suspended, that the bill be considered as engrossed and read a third time and placed upon its passage.

The roll being called resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Branaman, Bryant, Campbell, Cox, Day, DeMotte, Drake, Duncan of Brown, Ensley, Fowler, French, Griffith, Hale, Harness, Howard of St. Joseph, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman, Mr. President. Total, 43.

Those voting in the negative, none.

So the rule was suspended.

Senate Bill No. 236 was considered as engrossed, read a third time by sections and put upon its passage.

The question being, Shall the bill pass?

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Branaman, Bryant, Campbell, Cox, Day, DeMotte, Drake, Duncan of Brown, Ensley, Fowler, French, Griffith, Hale, Harness, Howard of Decatur, Howard of St. Joseph, Huston, Johnson, Kennedy, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Weir, Zimmerman, and Mr. President. Total, 41.

No one voting in the negative.

So the bill passed.

The title to the bill as read was adopted as the title to the act.

Senator Harness moved to take up Senate Bill No. 127.

The motion carried.

Senate Bill No. 127 was taken up and read a second time, with the report of the committee thereon.

Senator Harness moved to suspend the constitutional rule, that Senate Bill No. 127 be considered as engrossed and read a third time, and put upon its passage.

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Branaman, Bryant, Campbell, Cox, Day, DeMotte, Drake, Duncan of Brown, Ensley, Fowler, French, Griffith, Hale, Harness, Howard of St. Joseph, Huston, Johnson, Logsdon, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Weir, Zimmerman, and Mr. President. Total, 38.

Voting in the negative, none.

So the rule was suspended.

Senate Bill No. 127 was considered as engrossed and read a third time and put upon its passage.

The question being, Shall the bill pass?

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Branaman, Bryant, Cox, Day, Drake, Dresser, Duncan of Brown, Fowler, French, Griffith, Hale, Harness, Howard of St. Joseph, Huston, Johnson, Kennedy, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmoston, Weir, Zimmerman, and Mr. President. Total, 40.



Those voting in the negative, none.

So the bill passed.

The title to the bill as read was adopted as the title to the act.

Senator Sellers, from a special committee, to whom was referred Senate Bill No. 325, made the following report :

MR. PRESIDENT :

Your special committee, to whom was referred Senate Bill No. 325, having considered the same, begs leave to report recommending that said bill be passed.

Report concurred in.

Senator Weir moved that 200 copies of Senate Bill No. 325 be printed and made a special order for to-morrow at 2 o'clock P. M.

The motion carried.

Senator Barrett, from the special committee on Senate Bill No. 108, made the following report :

MR. PRESIDENT :

Your select committee, to whom was referred Senate Bill No. 108, together with the House amendments thereto, beg to report that they have had the same under consideration, and recommend that all of said amendments be concurred in except the following amendments, to-wit :

Add to section 4 the following :

"All buildings erected on said realty shall be cottages, and the entire plan shall be on the cottage plan. Any violations of this section shall subject the trustees to removal by the Governor."

And also the following amendment :

Amend by inserting at the close of section 4 the following :

"No more than the sum of fifty thousand dollars shall be expended for the purchase of grounds, the construction of buildings, furnishing and equipping said institution ready for occupancy, and the plan adopted for said building or buildings shall be such as can be completed and equipped, ready for occupancy, at a cost not to exceed forty thousand dollars."

As to said amendments, your committee recommend that the Senate do not concur, and ask that a committee of conference be appointed.

BARRETT,  
McDONALD,  
CAMPBELL.

Senator Barrett moved that the report be concurred in.

Motion carried.

Senator Sellers moved that the Secretary be ordered to notify the House that the Senate refused to concur in the House amendments to Senate Bill No. 108.

The motion carried.

Senate Bill No. 217 was taken up and read a third time and put upon its passage.

The question being, Shall Senate Bill No. 217 pass?

The roll being called resulted as follows :

Those voting in the affirmative were :

Senators Bailey, Berry, Branaman, Day, DeMotte, Drake, Ensley, Fowler, French, Harness, Howard of Decatur, Howard of St. Joseph, Huston, Johnson, Macy, Marshall, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Shively, Smith of Wells, Thompson of Marion, Tharp, Urnston, Weir, Zimmerman, Mr. President. Total, 32.

Those voting in the negative were :

Senators Andrew, Barrett, Campbell, Cox, Griffith, Hale, Kennedy, Logsdon, Moon, Sellers. Total, 10.

So the bill passed.

The title of the bill was referred to the Committee on Phrasology.

The President of the Senate appointed the following conference committee on Senate Bill No. 108 : Senators Barrett and McDonald.

Senator Smith of Wells, from the Committee on Phraseology, made the following report :

MR. PRESIDENT :

Your Committee on Phraseology, to whom was referred Senate Bill No. 246, introduced by Senator Johnson of Wayne, have examined the same and recommend that the title as read stand as the title of the bill, and your committee further recommend that in section one (1), line three (3), the figures four thousand one hundred and sixty (4,160) be stricken out and the figure two (2) be inserted.

Report concurred in.

Senator Logsdon called up Senate Bill No. 102, which was read a second time with the report of the committee thereon.

The report was concurred in.

Senator Logsdon moved that the constitutional rule be suspended, that the bill be considered as engrossed and read a third time by sections, and put upon its passage.

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Branaman, Bryant, Cox, Day, DeMotte, Drake, Duncan of Tipton, Duncan of Brown, Ensley, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman. Total, 42.

No one voting in the negative.

So the rule was suspended.

Senate Bill No. 102 was considered as engrossed and read a third time and put upon its passage.

The question being, Shall the bill pass?

The roll was called and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Branaman, Bryant, Campbell, Cox, Day, DeMotte, Drake, Ensley, Fowler, French, Grif-

fith, Hale, Harness, Howard of St. Joseph, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Schloss, Shroyer, Sears, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Weir, Zimmerman, and Mr. President. Total, 39.

Those voting in the negative, none.

So the bill passed.

The title to the bill as read was adopted as the title to the act.

Senator Schloss, from a select committee, made the following report on Senate Bill No. 13:

**MR. PRESIDENT:**

Your select committee to amend section 6 of Senate Bill No. 13 by striking out the word "fifteen" and inserting in lieu thereof the word "five," would respectfully report that said bill was amended as indicated above.

Report of committee concurred in.

The question being, Shall Senate Bill No. 13 pass?

The roll being called resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Brauaman, Bryant, Cox, Campbell, DeMotte, Drake, Ensley, French, Griffith, Hale, Harness, Howard of Decatur, Howard of St. Joseph, Huston, Johnson, Kennedy, Macy, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Thompson of Marion, Tharp, Urmston, Weir, Mr. President. Total, 36.

Voting in the negative were:

Senators Day, Fowler, Smith of Wells, Zimmerman. Total, 4.

So the bill passed.

The title of the bill was referred to the Committee on Phra-seology.

Senator Fowler, from the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :

Your Joint Committee on Enrolled Bills would report that they have delivered to the Governor for his consideration Enrolled Senate Act No. 278.

Senator French introduced Senate Bill No. 327, entitled :

An act to legalize the town of Poseyville, Posey County, Indiana, etc.

Read a first time and referred to Committee on Cities and Towns.

Senator DeMotte introduced Senate Bill No. 328, entitled :

An act for the relief of William Watts of Lake County.

Read first time and referred to Committee on Claims.

Senator Sellers, from the Committee on Judiciary, made the following report on Engrossed House Bill No. 162 :

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred House Bill No. 162, having considered the same, begs leave to recommend that said bill do pass.

Senator Smith of Wells, from the Committee on Phraseology, made the following report :

MR. PRESIDENT :

Your Committee on Phraseology, to whom was referred Senate Bill No. 3, have examined the same, and recommend that the title be amended to read as follows :

An act to provide for the erection of a State Soldiers' and Sailors' Monument or Memorial Hall, or Monument and Memorial Hall combined, according to the discretion of the Trustees in the act provided for, and declaring an emergency.

The question being on the motion to reconsider the vote by which the House amendment to Senate Bill No. 208 was concurred in.

The motion carried.

The question being, Will the Senate concur in the House amendment to Senate Bill No. 208?

The Senate refused to concur in the House amendment.

Senator Sellers moved that the Secretary be ordered to inform the House that the Senate had reconsidered the vote by which the Senate had concurred in the House amendment to Senate Bill No. 208, and that the Senate now refuses to concur in House amendment to Senate Bill No. 208, and that the Senate desires to have a committee of conference.

The motion carried.

Senator Andrew called up House Bill No. 143.

Which was read a third time by sections and put upon its passage.

The question being, Shall the bill pass?

The roll being called, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Branaman, Bryant, Campbell, Day, DeMotte, Drake, Duncan of Tipton, Ensley, French, Griffith, Hale, Harness, Howard of Decatur, Howard of St. Joseph, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Weir, Zimmerman, Mr. President. Total, 39.

Voting in the negative, none.

So the bill passed.

The title to the bill as read was adopted as the title to the act.

Senator Drake called up Engrossed Senate Bill No. 242, which was read a third time by sections and put upon its passage.

The question being, Shall the bill pass?

The roll being called, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Branaman, Bryant, Campbell, Day, DeMotte, Drake, Duncan of Tipton, Ensley, Fowler,

French, Griffith, Harness, Howard of Decatur, Howard of St. Joseph, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sellers, Shively, Tharp, Urmston, Weir, Zimmerman and Mr. President. Total, 38.

Voting in the negative, Senator Smith of Wells.

So the bill passed.

The title to the bill as read was adopted as the title to the act.

Senator Urmston called up Senate Bill No. 227, which was read a second time, with the report of the committee thereon.

The report was concurred in.

Senator Urmston moved that the constitutional rule be suspended, that Senate Bill No. : 27 be considered engrossed, that the bill be read a third time by sections and put upon its passage.

The roll being called resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Branaman, Bryant, Campbell, Day, DeMotte, Drake, Duncan of Tipton, Ensley, French, Griffith, Hale, Harness, Howard of St. Joseph, Johnson, Kennedy, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Shroyer, Smith of Wells, Thompson of Marion, Tharp, Urmston, Mr. President. Total, 32.

Voting in the negative were:

Senators Fowler, Huston, Sellers, Shively, Weir, Zimmerman. Total, 6.

So the motion failed to carry.

Senator Thompson of Marion moved to take up House Bill No. 162.

The motion carried.

Senator Weir moved that the Senate do now adjourn.

The ayes and noes being demanded and taken resulted as follows:

Those voting in the affirmative were :

Senators Campbell, Cox, DeMotte, Drake, Duncan of Tipton, Ensley, Harness, Howard of Decatur, Huston, Logsdon, Macy, Marshall, Moon, Peterson, Rahm, Schloss, Shroyer, Sears, Shively, Weir, Zimmerman. Total, 22.

Those voting in the negative were :

Senators Andrew, Barrett, Branaman, Day, Fowler, French, Griffith, Hale, Howard of St. Joseph, Johnson, Kennedy, McClure, McDonald, Mullinix, Sellers, Smith of Wells, Thompson of Marion, Tharp. Total, 17.

So the motion carried, and the Senate adjourned.

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## TUESDAY MORNING.

FEBRUARY 22, 1887.

The Senate met in regular session at 9:30 o'clock.

Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by the Rev. Mr. Mitchell, of the Presbyterian Church, Indianapolis.

The reading of the journal was being proceeded with when, on motion of Senator Sears, its further reading was dispensed with.

Senator Huston presented a petition from the citizens of New Albany asking the enactment of a law governing cities and towns.

Referred to Committee on Cities and Towns without reading.

Senator Sellers withdrew his motion to suspend the rules on House Bill No. 162.

House Bill No. 162 was read a second time, with the report of the committee thereon.

Senator Sellers moved to concur in the report.

The motion carried.



Senator Tharp demanded the regular order.

The question being, Shall the regular order be resumed?

The motion carried.

- Senate bills on their second reading were taken up as the regular order of business.

Substitute Bill for Senate Bills Nos. 1 and 234 was taken up and read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

Senator Bailey moved that the bill be engrossed.

Senator Weir asked a leave of absence for Senators Rahm, Schloss and Mullinix.

The leave of absence was granted.

Senator Campbell asked a leave of absence for Senator Winter.

The leave of absence was granted.

The following message was received from the House:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed Engrossed House Concurrent Resolution No. 18, in reference to the holding of a joint convention for the purpose of electing certain State officers, and the same is herewith transmitted to the Senate.

W. H. SMITH.

The following House Concurrent Resolution, No. 19, accompanied the foregoing message:

WHEREAS, The duty devolves upon this General Assembly, enjoined by positive law, of electing certain Directors of the penal and certain Trustees of the benevolent institutions, and a State Librarian; and,

WHEREAS, Investigations by committees of the House of Representatives charged with the duty of making the same, have revealed astounding facts, proving corruption, negligence and crimes in the management of the Asylum for the Insane and the State Prison South; and,

WHEREAS, It is currently rumored and generally believed that the Democratic members of this General Assembly, with a view to retaining their partisan friends in the control of said institutions, regardless of their want of integrity or fitness, have determined not to join the Republican members of this General Assembly in the joint convention necessary to elect new and suitable officers for these institutions; and,

WHEREAS, Such refusal, if persisted in, would result in retaining dishonest, unfit and unscrupulous men in the control of these institutions, and thereby bring upon the State great disgrace and pecuniary loss, and upon the unfortunate inmates of such institutions a continuance of the cruelty and inhumanity hitherto visited upon them; and,

WHEREAS, The legal duty of electing such officers is enlarged and made more imperative by said revelations and such wicked determination not to join in such joint convention; therefore, be it

*Resolved by the House of Representatives, the Senate concurring,* That the officers of said institutions, elective by the General Assembly, whose terms of office do not expire at this session, should at once resign; and, be it further

*Resolved,* That a joint convention for the purpose of electing Directors and Trustees of said institutions, and a State Librarian, be held in the hall of the House of Representatives on Tuesday, March 1, 1887, at 2:30 o'clock P. M.

Senator Bailey offered amendment No. 1 to Senate Bill No. 1, as follows:

MR. PRESIDENT:

"Section 11. All persons or engineers in charge of portable engines, threshing engines, steam heating apparatus, or stationary engines, under 15-horse power, and all those used in private families, are exempt from the provisions of this act."

Adopted.

Senator McDonald offered amendment No. 2 to Senate Bill No. 1, as follows:

MR. PRESIDENT:

I move to amend by adding after the word "examined," in section 1, in line 4, "as to his knowledge and capacity as a practical engineer."

Adopted.

Senator Harness offered amendment No. 3 to Senate Bill No. 1:

MR. PRESIDENT:

I move to amend substitute for Senate Bills Nos. 1 and 234 by inserting after the word "examiner," in line 4, section 5, the words "which cause shall be specifically stated in his order of revocation."

Adopted.

The question being on the motion of Senator Bailey to engross the bill as amended.

The motion carried.

Senator Howard of St. Joseph, from the Committee on Swamp Lands, made the following report:

MR. PRESIDENT:

The following witnesses, summoned before the Committee on Swamp Lands by authority of the Senate, have appeared and testified before said committee, and are entitled to fees as follows:

Hugh Parker,	3	days,	94	miles.....	\$13 15
Patrick Keefe,	3	"	110	" .....	14 75
C. W. Hartley,	3	"	94	" .....	18 15
A. J. Kitt,	3	"	94	" .....	18 15
J. L. Sanderson,			110	" .....	14 75
M. L. Humston,			118	" .....	15 15

Your committee on Swamp Lands have directed me to report said service, mileage and fees as correct, and ask that the same be allowed and warrants drawn for payment.

Report of the Committee concurred in.

Senator Campbell moved to take up the special order, it being Senate Bill No. 324.

Senator Tharp moved to postpone the special order until 10 o'clock next Thursday morning.

Senator Howard of St. Joseph offered the following resolution, No. 80:

*Resolved*, That the following allowances be and they are made for payment of witnesses summoned and testifying before the Committee on Swamp Lands, by direction of the Senate, to-wit:

Hugh Parker,	94 miles each way, 3 days.....	\$13 15
Patrick Keefe,	110 " " 3 " .....	14 75
C. W. Hartley,	94 " " 3 " .....	13 15
A. J. Kitt,	94 " " 3 " .....	13 15
J. L. Sanderson,	110 " " 3 " .....	14 75
M. L. Humston,	118 " " 3 " .....	15 55

And the Secretary is directed to draw warrants in favor of said witnesses for said amounts.

Adopted.

Senator Fowler, from the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

Your Joint Committee on Enrolled Bills would report that they have delivered to the Governor for his consideration Enrolled House Act No. 143.

Senator Barrett, from the Committee on Prisons, offered the following report from the State Prison North:

On motion of Senator Barrett the Senate adjourned.

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## AFTERNOON SESSION.

FEBRUARY 22, 1887.

The Senate met pursuant to adjournment at 2 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

The President of the Senate ordered that the report of the Committee on Prisons from the Prison North be read.

## REPORT OF COMMITTEE ON PRISON NORTH.

MR. PRESIDENT :

Your Committee on Prisons have visited the Prison North, and, having made a thorough and careful examination of the condition, management and accounts of the prison, beg to submit the following report :

The sanitary condition of the prison is good. The yards are thoroughly drained and kept neat and clean ; good stone walks surround and lead to every building ; the cell-houses and cells are all clean, orderly and well ventilated, are kept white and pure with frequent coats of whitewash, and are heated by steam ; each prisoner is supplied with a good straw tick well filled, with sheets, blankets and a pillow, all of which are kept clean, the sheets and pillow-cases being washed every week. Besides, the prisoners are permitted to receive underclothing, bed clothing, carpets or ornaments for their cells from friends. The prison is supplied with an excellent bath-house, having fifty tubs, where every prisoner is required to bathe once a week. The prisoners are supplied with good, warm clothing, and with sufficient quantities of good and plain, but wholesome, food, properly cooked.

The discipline of the prison is excellent, and the treatment of unruly prisoners not more severe than the proper enforcement of the prison rules requires.

The hospital is neat, clean, and well lighted and ventilated. The patients are supplied with good, comfortable beds and proper food, and their wants properly attended to. Indeed, in every department and room of the prison, cleanliness and good order are distinctly noticeable.

## LIBRARY AND MORAL INSTRUCTION.

The library consists of 1,500 volumes, selected from the best standard authors, thoroughly catalogued both by subjects and authors. A copy of the catalogue is filed with this report. Each volume is numbered and a complete and comprehensive record is kept showing where each book is at the time, how many and what books have been furnished to and used by each

prisoner, who is supplied with a book every week. Very many of the prisoners were found in the evening reading and evidently interested in good books.

The Moral Instructor was found to be a very intelligent and conscientious man, who is deeply interested in this work. Religious services are held every Sunday in the chapel, at which a choir and orchestra, composed of convicts, furnish the music. The Sunday-school is kept up and the illiterates are taught. Several convicts were found who had learned to read and write since they had entered the prison. The practical difficulty, as your committee was informed, in giving the illiterates mental instruction arises from the fact that they are kept at hard labor for ten hours, and, when tired physically, it is difficult to interest their minds in the work in the evening; and, besides, there is no school-room conveniently arranged for the purpose.

Your committee, therefore, recommend that the hours of labor of the young and illiterate convicts be shortened so that at least an hour during the working hours each day may be devoted to their mental and moral instruction, and that the Directors be authorized to expend from the net profits of the prison not to exceed \$3,000 in the erection and furnishing of a suitable and convenient room.

#### SUPPLIES AND ACCOUNTS.

The supplies are purchased for cash in large quantities and at wholesale rates, thus saving from fifteen to twenty per cent. on their cost to the State. For instance, in June last a year's supply of coal was purchased from the lowest bidder, after first advertising for bids. Upon delivery of the supplies to the Steward they are examined and compared with the bills, which, if found to be correct, are checked and sent to the office, where they are entered upon the books in the proper account, and vouchers corresponding thereto, with an itemized statement, are made out, receipted, filed and kept. Scales are kept within the prison walls and used to determine the correct weight of articles delivered. Separate ledger accounts are kept with the several items of supplies, such as provisions, fuel, clothing, medicine, etc. Beginning with a daily journal or blotter, in which every item of receipts and expenditures is entered at the time, a complete and thorough system of books

and accounts is kept in a neat and business-like manner. Visitors to the prison are charged twenty-five cents for admission. They are required to register their names in a book kept for the purpose, and the money received, which is entered in a book at the time, is turned over by the guard to the Clerk, who executes to him a receipt therefor.

It was found that all bills against the prison were promptly paid; that the prison was without any debt, and had on hand, February 16, 1887, nineteen thousand one hundred and thirty-nine dollars and seventy-three cents (\$19,139.73), after having expended over \$26,000 in erecting new buildings and improvements during the past year. The cash and bank accounts of the Warden were examined and found to be correct.

The wash and bath house, insane wards and shop buildings recently erected were examined and found well built from good, strong material, and in excellent condition. These improvements have added very largely to the sanitary condition and material prosperity of the prison. All of the buildings and prison walls are in first-class condition.

The Directors were all present, and the committee beg to acknowledge the hearty assistance given them by the Directors, Warden and other officers in their inspection and investigation. The condition, management and accounts of this prison are a high testimonial to the intelligence, capacity, integrity and humanity of the Directors, Warden and other officials. This institution is creditable alike to them and to the State.

The guards were also found to be industrious, intelligent and humane men.

#### PRISON REFORM.

Upon the subject of prison reform, your committee beg to refer to the Governor's message, and to the very excellent reports of the Directors and Warden of the Prison North, and heartily concur with what is there so well said upon this subject. The congregate system of mingling and associating young men, convicted for the first time, and perhaps for a comparatively trivial offense, with counterfeiterers, burglars and murderers, with men utterly depraved in nature and hardened in crime, is radically wrong, and not creditable to our civilization. The vulgar idea that criminals are hardened and abandoned beyond

the possibility of reformation, and that the sole object of confining men in prisons is to punish them, is irrational and pernicious. There are many young men in State prisons whose criminality is the result of some temporary and unfortunate condition of their minds and outward surroundings and circumstances, who do not possess the criminal nature when entering, and who are capable and worthy of mental improvement and moral resuscitation. The first step toward this much needed reform is a strict classification and separation of the prisoners; but it is hardly practicable to accomplish this within the same prison walls. Your committee, therefore, recommend that an Industrial School be established, to which shall be sent the young and less hardened criminals, in which the mental and moral improvement of the prisoners shall be the chief object. There should be maintained in the State one prison and one industrial school. The Prison North, by reason of its well arranged, substantial and very safe buildings and walls, is well adapted to the purposes of a prison for the older and more hardened criminals. The walls and all of the buildings, with the exception of one cell-house, in the Prison South, are old and dilapidated, and must, before many years, be abandoned, unless rebuilt. The location is not a good one by reason of the low, marshy character of the land upon which it is built. That it may be converted into an industrial school upon a better location, your committee recommend that the Prison South be abandoned and sold whenever such school shall be built and proper arrangements are made for the disposition of the prisoners.

While the large profits and financial showing of the Prison North are highly creditable to the business skill and integrity of its Directors and Warden, yet the people of the State should not expect to realize large profits from prisons. Your committee, therefore, recommend that twenty-five per cent. of the net profits be divided among the prisoners as an additional inducement to, and reward for, industry and good conduct, subject to the power of the Directors and Warden to make deductions therefrom for bad conduct. Many of the life-time prisoners have been convicted for taking human life in a fit of drunkenness or great passion—a single criminal offense of their lives, perhaps—and, as a rule, are said to be the best behaved prisoners.



Your committee suggests, for your consideration, the advisability of so amending the laws that such prisoners may, in the discretion of the Directors and Warden, with the consent of the Governor, be paroled after a sufficient term of service and punishment, so that they, too, may have some hope for the future, and some inducement and reward for proper conduct.

Your committee also refer, with approval, to the suggestion made by the Directors of the Prison North in their report, that: "The State should see to it, through an agent or otherwise, that they (the discharged convicts) find employment, and encourage them in every way to feel that they could become men among men, and win for themselves a place in the world again."

One of the most important problems of prison reform, and the most difficult of solution, is the proper method of utilizing the labor of the convicts. The contract system now in use in our prisons is vigorously condemned by a large number of thoughtful, intelligent men, whose worth and knowledge of the practical effects of this system upon their own prosperity entitle them to speak and demand of us, as legislators, a hearing and a thoughtful consideration of this subject. Their complaints have become intensified in recent years, so that the solution of this much agitated and difficult problem is of paramount public importance. Largely as the result of this agitation, and the appeals of the laboring classes, the States of New York, New Jersey, Pennsylvania, Ohio and California have abolished the contract system, and adopted either the piece-price plan, or the public account system, or both, but in none of these States, according to their prison reports, has the change proved a financial success. While profit should not be a chief desideratum in any system of prison management, yet it is desirable to make them as near self-sustaining as possible, because upon the very men who complain will fall a part of the burden of making up any deficiency by way of paying taxes. It is impossible under any system of labor to entirely obviate all competition with free labor, but fortunately neither the prison nor the labor reformer is asking that they be confined without labor. Nor should such a proposition be entertained.

Contractors themselves are becoming timid of prison contracts, and are not as anxious as formerly to employ convict labor. This is readily accounted for by the recent popular agitation against contract-convict labor, and is significant of the popular condemnation of the system, and the power of the popular will even in advance of legislation.

Your committee, therefore, are of the opinion that proper consideration be given to this popular indictment of this system; that a less objectionable system be established, and that if the present Legislature is unable by reason of the shortness of the remainder of the session, and the magnitude and importance of the question, that a commission be appointed to thoroughly investigate the subject and to prepare and report to the next General Assembly a complete and comprehensive bill upon the subject of prison management and the employment of convict labor.

J. M. BARRETT,  
Chairman.

R. B. SEARS,  
D. C. BRYANT,  
OSCAR A. TRIPPET,  
GEO. MOON,  
CHAS. C. DUNCAN,  
T. E. HOWARD.

February 22, report introduced.

February 22, report concurred in and five hundred copies ordered printed, together with the report of the Prison South.

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## REPORT OF COMMITTEE ON PRISON SOUTH.

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MR. PRESIDENT:

Your Committee on Prisons have visited the Prison South, and have examined the condition and management of said Prison as carefully and thoroughly as the limited time and the condition of the accounts of the Prison would permit. Your committee labored industriously for two whole days, working one day till 11 o'clock at night, in making said examination, and beg to submit the following report:

They find that the prisoners are supplied in sufficient quantities with good, plain food, properly cooked; that they are also provided with sufficient clothing, if the cell-houses were kept properly heated; that the hospital is kept clean and neat, well lighted and ventilated; that the needs of the patients are properly attended to; that they are provided with suitable and wholesome food, and that the treatment of the prisoners is not more severe than proper discipline requires. But they regret to say that there is little, if anything else in the condition or management of said prison which merits their approval, but very much that demands their disapproval, and some things which deserve the condemnation of every good citizen.

The prison is built upon low, marshy ground, which is not properly drained; the yards are muddy, with water standing in many places, and no means provided for promptly carrying the surface water away. Many of the cells are damp, and all are dirty, with a very few exceptions, where the occupants themselves have a strong inclination to cleanliness. The prisoners in the two old cell-houses are each supplied with a straw tick and two blankets, without pillows or sheets. The ticks and blankets in these cells, as well as the cells themselves, are very filthy. In the new cell-house the prisoners are each supplied with a straw tick, two sheets, two blankets and a pillow, but the cells and bed clothing are inexcusably filthy. They can find no justification or excuse for the filthy condition of the bedding. Many of the prisoners are now idle, and have been for several weeks past, on account of the expiration of some of the contracts, and are waiting for the preparation of machinery and buildings by the new contractors. These idle prisoners could and ought to have been employed in washing the ticks, sheets, pillow-cases and blankets, and cleaning and whitewashing the cells.

The new cell-house is not sufficiently heated to protect the prisoners from cold during the severest winter weather, and we recommend that at least two more heaters be placed in said cell-house.

While the general health of the prisoners is now apparently good, your committee feel that there is great danger that it will not continue so unless a speedy change is made in the general cleanliness of the prison yard, the cells, the bedding, and the prisoners themselves.

The prison yard is inclosed on three sides by a wooden wall, which is old and badly decayed. It is now stayed on two sides by wooden braces, to keep it from falling. If the prison is to remain at its present location, a new wall, at an early day, is a necessity, for the safe keeping of the prisoners.

They recommend that a new wooden wall be erected in the place of the one now there, and that a sufficient appropriation be made for that purpose.

#### LIBRARY AND MORAL INSTRUCTOR.

Your committee find that the library is in bad condition; that there is no catalogue of books, and practically no system in its management; that the books are in bad condition and poorly selected; that the Moral Instructor has but little knowledge of the library, and when asked for books did not know where to find them, nor did the convict in charge of the library.

The only moral instruction given to the prisoner is at the chapel exercises for one hour each Sunday. There is no Sunday-school held, and the prisoners are not instructed in the "arts of reading, writing, arithmetic and geography," as required by law, and no effort is made to improve their mental condition. Upon this subject the committee beg to refer to the statement of a convict, filed herewith, which is corroborated by the admission of the Chaplain himself, and believed by the committee, in this respect, to be true. This statement, prepared by one of the most intelligent convicts in the prison, is submitted herewith, at his request, as a sample of the complaints generally made by the prisoners, but without comment by the committee.

The prisoners are allowed but one book every two weeks, and but two candles per week. They have from 6 till 9 o'clock every evening to devote to reading, and the supply of the candles will not furnish light to exceed two-thirds of the time. Each prisoner should be supplied with one book every week, if desired, and at least with three candles. Your committee are of the opinion that proper mental and moral instruction is of the highest consequence, both to the prisoner and to the State, and that such instruction in said prison is insufficient and almost wholly neglected.

The Chaplain in charge, upon examination, stated that there were many praying prisoners at the prison, but was unable to tell who they were, and that he had never held or attempted to hold any religious service other than the chapel services for one hour each Sunday. The Sunday-school has been abandoned, as it is claimed by the officers, for sanitary effects, but your committee are of the opinion that a Sabbath-school could be held and conducted by men in charge, and that enough religious and philanthropic men could be found in the city of Jeffersonville and vicinity to volunteer their services in assisting the Moral Instructor in holding such a Sabbath-school in the prison.

The Chaplain claims that it is too arduous a task for him to instruct the prisoners in the arts required by law; but your committee are of the opinion that he ought to be required, and can well afford for the compensation allowed, to devote an hour each evening other than Sunday in instructing the prisoners in said arts. The prisoners themselves desire more religious and mental instruction.

There is a rule of the prison to charge an admission fee of twenty-five cents to each visitor, and that the fund derived therefrom be applied to the purchase of books for the library. Your committee find that there is one thousand four hundred and thirteen dollars and fifty-two cents (\$1,413.52) in said fund and but one hundred and forty-two dollars (\$142) accounted for as collected during the past year; that no register is kept of the names or number of visitors, and no entries made in any book of the receipts of money from visitors at the time; that tickets are sold to the visitors, which are taken by the guard at the gate and placed in a box, the key to which hangs in the office and is accessible to any person about said office; that the tickets are taken from such box, from time to time, by the Clerk, and an amount corresponding to the number of tickets so taken by him is credited to said fund. The committee had no means of determining the number who visit said prison, and beg to refer to the statement of the convict filed herewith, and to say that said statement is corroborated by the statements of persons outside of the prison.

## SUPPLIES AND ACCOUNTS.

Your committee find that the supplies of the prison are purchased in small quantities, from time to time, as the needs of the prison demand; that the supplies are ordered orally, sometimes by the Warden and sometimes by the Store-keeper; that no written statements are made or kept of the supplies ordered; that the supplies are received by the Store-keeper, who makes no memorandum or account at the time of the kinds or amounts received, but relies solely upon his memory to inform the Clerk as to the correctness of the bills for supplies furnished from time to time during the month. The bills are usually sent to the prison on the first of each month. The Store-keeper keeps no record or account of any kind of either the receipt or distribution of supplies, nor is there any such account kept in the prison. And there is no ledger account kept with any of the persons who furnish supplies.

Your committee further find that the slops and waste from the tables of the prison are either thrown away or fed to the hogs owned by the Warden. These slops would feed from thirty to fifty hogs, which should be owned by the State and fattened for the prison use, or else the slops and waste should be sold.

The coal for the prison is supplied by the wagon load, from time to time, by one of the bondsmen of the Warden, who is also the City Weigh-master, and weighs the coal, which is not again weighed at the prison.

Your committee also find that no effort has been made by either the Directors or the Warden to contract for supplies in large quantities for a long time, or to learn how much, if anything, could thereby be saved to the State.

Your committee further find that no entries are made in the cash-book from day to day of the receipts and expenditures by the prison; that such entries are made by the Clerk from month to month, just prior to the meeting of the Board of Directors, from statements furnished him by the Warden, and that no entries have been made in the cash-book since December 31, 1886.

Your committee further find that no ledger accounts are kept with the contractors on the books of the prison, but that payments received from time to time are noted on the time-book and cash book only; that contractors have not been required to make monthly settlements with and payments to the prison, but that some of them have been permitted to go several months at a time without making any payments; that one firm of contractors (Perin & Gaff) are now indebted to the prison over six thousand dollars, and have not been required to make payment. They are withholding the money, we are informed by the Warden, because they claim that the State is indebted to them about sixty-nine hundred dollars for erecting one of the shops within the prison walls several years ago, for which no written contract was ever made with them, nor is there in the books any record of such contract.

Your committee called upon the Warden for a statement of the money on hand belonging to the State. He furnished them with a statement showing that he had on hand, in the General Fund, four thousand three hundred and thirteen dollars and sixty-nine cents (\$4,313.69); in the Visitors' Fund, fourteen hundred and thirteen dollars and fifty-two cents (\$1,413.52); and in the Convicts' Fund, three thousand six hundred and thirty-five dollars and six cents (\$3,635.06), making a total of nine thousand three hundred and sixty-two dollars and twenty-seven cents (\$9,362.27). They requested the privilege of counting the money and verifying the statement. He then produced from the safe twenty-two hundred dollars (\$2,200) in cash, which was counted by the committee, and he informed them that the balance was in the Citizens' National Bank of Jeffersonville to his credit as Warden, and that he kept his account as Warden separate and distinct from his individual account in bank. No account is kept with the bank upon the books of the prison. Your committee then requested the Warden to accompany them to the bank and permit them to examine his account as Warden on the books of the bank. He refused to accompany them or permit them to examine such account. They then requested him to show them his pass-book with the bank, showing his deposits as Warden, which he also refused. They then requested him to show them the checks drawn by him, as Warden, on the bank. He informed them that the checks were destroyed. They then requested him to show

them the stubs in his check-book, from which he drew his checks as Warden. He informed them that he could not find the check-book or stubs, and that the committee had no right, under the law, to examine his bank account as Warden. He then sent a messenger to the bank, as he stated, who brought to the prison seven thousand one hundred and sixty-two dollars and twenty-seven cents (\$7,162.27) in money, which your committee counted, and which, with the twenty-two hundred dollars (\$2,200) in the safe, made up the \$9,362.27, shown by his statement to be on hand. Two of your committee were then detailed to visit said bank and request of its officers an examination of the Warden's account, but it was then after banking hours, and they found that the bank was closed, and that the officers had gone to Louisville.

Your committee submits these statements and conduct by the Warden without comment; but desires to say that they were not accorded that hearty assistance by the Warden in the investigation of his accounts which would commend a public official.

While they did not discover anything which they could say was actually dishonest, they find that the manner of purchasing and distributing supplies, and of keeping the accounts of the prison, is so loose as almost to invite and encourage dishonest practices, and to render their certain detection impossible by any kind of investigation. This system, or, rather, want of system, has been in vogue in this prison for fifteen years at least.

Your committee then sent for Mr. John Horn, of New Albany, who was elected two years ago, and the only one of the Directors of said prison accessible, and examined him under oath. They find that the Directors, since his election, have never examined the system of accounts kept by the prison; that they have never examined the cash or bank accounts of the Warden; that they have never investigated to learn how much, if anything, could be saved to the State by purchasing the supplies in large quantities, or to learn if the supplies—the bills for which they audited—had been actually delivered to the prison.

Your committee desire to commend the candor of Director Horn, in practically admitting that the chief labor of the Board at their meetings was to examine the prices charged for sup-



plies, to see that the footings on the bills were charged in the books, and to inspect the prison and hear the complaints of the prisoners. From the testimony of Mr. Horn, and the condition of the prison and its accounts, the Directors have been censurably negligent in the performance of their duties.

Your committee deem it proper, in this report, to commend the Prison Physician, Dr. Graham, and the Hospital Steward, Mr. W. V. Day, for the manner in which they have performed their duties, and for the condition in which they found the hospital and its management.

In the opinion of your committee, the system of purchasing and distributing supplies, and in keeping the accounts of this prison, is radically wrong and defective, and they submit the oral testimony taken by your committee upon these subjects.

It is proper to state that your committee was informed that R. J. Wilson, one of the Directors, was absent from the State and H. V. Norval, the other Director, was detained at home by sickness in his family, and that an opportunity will be afforded both of them to appear before your committee and make such statement in the premises as they desire. In which event your committee will ask to make a further report herein, if they deem it necessary, and will submit such statement to the Senate.

Your committee further find that the officers and employes of the prison have not been paid since October 31, 1886; that the bills for supplies have not been promptly paid, and that the prison is now indebted \$17,553.17 for salaries and supplies.

The statement of the Prison Clerk, Mr. Matthew Huett, which has been kindly furnished the committee, is submitted herewith.

Your committee, therefore, recommend that a different system of management and a new and complete system of keeping the accounts of the prison be adopted; that both of the State prisons be required to keep the same system of accounts, so that the cost and amount of supplies, and the expenditures on account of the several departments in the two prisons, can be readily compared; that the appointment of Deputy Warden, Clerk and Store-keeper be taken out of the hands of the Warden, so that the tenure of office and salary of each be inde-

pendent of the Warden and of each other, and that the law be amended to that end.

Your committee further say that the filthy condition of the prison, the method of management, and the inexcusably negligent manner of keeping the accounts, merit the discontinuance in office of persons who are responsible therefor; and they, therefore, ask that further time be given the committee, with power to send for persons and papers, in order that the absent Directors be given an opportunity to appear before the committee, and that the committee may be able to make other recommendations as to the management of said prison.

Your committee submits this report at an early day, and before visiting the Prison North, in order that the Senate may be speedily informed of the facts as learned by your committee, and that the Senate may take such steps in the premises as it may deem proper.

Senator Moon was unable, by reason of illness, to accompany the committee; Senator Duncan of Tipton was not present during the second day's investigation, having been compelled, by reason of illness, to return home; Senator Davis accompanied the committee—acted in Senator Moon's place—and gave the committee his valuable aid and assistance, which they desire in this manner to acknowledge.

J. M. BARRETT,  
Chairman.

OSCAR A. TRIPPET,  
T. E. HOWARD,  
D. C. BRYANT,  
C. C. DUNCAN,  
R. B. SEARS.

February 15, report read and laid on the table till Friday.

Five hundred copies ordered printed.

Senator Weir moved that the reports of the Committee on Prisons from the Prisons North and South be approved, and that 500 copies of each be printed.

The motion carried.

The following message was received from the House:

MR. PRESIDENT :

I am directed by the Speaker of the House to inform the Senate that the House has agreed to the request of the Senate for the appointment of a committee for a free conference on Engrossed Senate Bill No. 108, and that he has appointed, as such committee on the part of the House, Messrs. Leighty and Gordon. Also, that the House has agreed to the request of the Senate for the appointment of a like committee on Senate Bill No. 208, and that he has appointed, as such committee on the part of the House, Messrs. Buckles and Roberts.

W. H. SMITH,  
Clerk.

Pending the discussion of the motion to postpone Senate Bill No. 324, on motion of Senator Thompson of Marion, the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

### WEDNESDAY MORNING.

FEBRUARY 23, 1887.

The Senate met in regular session at 9:30 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by Senator Davis.

On motion of Senator Schloss the reading of the journal was dispensed with.

Senator Smith of Wells made the following report from the Committee on Phraseology, on Senate Bill No. 13:

MR. PRESIDENT :

Your Committee on Phraseology, to whom was referred Senate Bill No. 13, have examined said bill, and have corrected the title to read as follows: An act to regulate the practice of dentistry in the State of Indiana; providing the manner of selecting a board of examiners; the examination of applicants;

the issuing of certificates; the meeting of said board; their term of office and pay; the issuing of permits by individual members of said board; the recording of certificates by holders; prescribing penalties for the violation of the provisions of this act; repealing the act of March 29, 1879, and all conflicting laws, and providing for prosecutions of any violations of the act of 1879 under the provisions thereof.

The report was concurred in.

Senator Day, from the Committee on Railroads, made the following report:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 107, introduced by Senator Urmston, have had the same under consideration and respectfully submit the following amendments:

Strike out of section 2, in line 5, after the word "than" the words "one hundred dollars nor more than five hundred dollars," and insert therein the words "ten dollars nor more than one hundred dollars."

Also, add an additional section to said bill, viz.:

SEC. 3. All railroad companies, corporations or persons operating a railroad for carrying passengers, shall place in each car used for carrying passengers, mail or baggage, nine packages of the best liquid fire extinguisher known. That three packages shall be placed in each end of the car, and three packages in the center of the middle of each car. Any company, corporation or person failing to comply with the provisions of this act shall forfeit and pay, upon conviction thereof, to the State of Indiana, five hundred dollars (\$500). And that when so amended direct me to report the same back to the Senate with recommendation that it be passed.

Also, on Senate Bill No. 87, as follows:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 87, introduced by Senator Zimmerman, have had the same under consideration, and direct me to report the same back to the Senate, with the recommendation that it be indefinitely postponed.

Also, on Senate Bill No. 215:

**MR. PRESIDENT:**

Your committee, to whom was referred Senate Bill No. 215, introduced by Senator Ensley, have had the same under consideration, and respectfully submit the following amendments:

Strike out the word "companies," after the word railroad, in the second line of the title of said bill, and insert therein the words, "corporation, companies or persons operating within the State of Indiana."

Also, after the word "not," in the fifth line of said title, add the words, "and affixing a penalty for a violation of the provisions of this act."

And in section 1, after the word "every," in the third line, insert the word "corporation."

Also, in section 2, after the word "such," in the third line, insert the word "corporation," and in the seventh line of said section, strike out the amount, "ten dollars," and insert therein "twenty dollars," and after the word "action," in the eighth line of said section, insert the words, "to be prosecuted by the prosecuting attorney of the county in which the neglect or refusal occurs;" and after the word "the," in the tenth line of said section, strike out the words, "parties commencing proceedings," and insert therein the words, "said prosecuting attorney," and after the word "the," in the thirteenth line of said section strike out the words, "Trustee of the township," and insert therein "County Commissioners of said county."

Also, strike out of line 16, of said section, after the word "fund," the words, "of such township;" and strike out of said bill all of section 3.

And then, when so amended, direct me to report the same back to the Senate, with a recommendation that it be passed.

Senator Thompson of Marion, from the Committee on Cities and Towns, made the following report on Senate Bill No. 241:

**MR. PRESIDENT:**

Your Committee on Cities and Towns, to whom was referred Senate Bill No. 241, begs leave to report that they have had the same under consideration, and recommend that the bill do pass.

Also, on Senate Bill No. 322, as follows :

MR. PRESIDENT :

Your Committee on Cities and Towns, to whom was referred Senate Bill No. 322, begs leave to report that they have had the same under consideration, and recommend that the bill do pass.

Senator Thompson of Marion, from the Committee on Cities and Towns, made the following report :

MR. PRESIDENT :

Your Committee on Cities and Towns, to whom was referred Senate Bill No. 126, begs leave to report that they have had the same under consideration, and recommend that the bill do pass.

Also, the following report on Senate Bill No. 314 :

MR. PRESIDENT :

Your committee, to whom was referred Senate Bill No. 314, begs leave to report that they have had the same under consideration, and recommend that the bill do pass.

Senator Howard of St. Joseph offered the following Resolution No. 81 :

MR. PRESIDENT :

The Committee on Swamp Lands have directed me to report the following resolution and move its adoption :

*Resolved*, That the following allowance be, and the same is, hereby made for mileage and per diem as witness before said committee, and the Secretary is directed to draw his warrant therefor, to-wit :

John G. Davis, 110 miles, three days. .... \$14 75

Adopted.

Senator Fowler offered Senate Concurrent Resolution No. 12, as follows :

MR. PRESIDENT :

*Resolved by the Senate, the House of Representatives concurring*, That Lizzie O. Callis be, and she is, hereby allowed the sum of \$40.83 for money by her expended in fitting up the legislative

halls, bill of particulars of which is filed herewith and made a part hereof, and that the Auditor of State issue his warrant on the State Treasurer for said amount.

State of Indiana debtor to Lizzie O. Callis for work in fitting up legislative halls, to drayage of House journals, Senate journals and Acts of 1885 from Secretary of State's office.....	\$3 50
To F. P. Van Hook, one day's service.....	2 00
To Orm Lloyd, one day's service.....	1 50
To making two dozen roller towels at 10c.....	2 40
To four tumblers at 12½c.....	50
To J. P. McConnell, for making diagram.....	3 00
	<hr/>
	\$12 90

State of Indiana debtor to Chas. Mayer & Co., by Miss Callis, to 2 dozen soap at 50c.....	\$1 00
State of Indiana debtor to L. S. Ayres & Co., to 3 dozen towels at \$2.40.....	7 20
To 6 spools cotton at 5c.....	30
To 72 crash at 11½c.....	8 58
	<hr/>
	\$15 78

State of Indiana debtor, by Miss Callis, to W. B. Metlin to 8 towel rollers.....	\$1 20
To 1 dozen brooms.....	4 20
To 2 pails.....	40
To 2 tubs.....	1 70
To 2 C mops.....	1 20
To 4 feather dusters.....	2 20
To 1 dust pan.....	25
	<hr/>
	\$11 15

Resolution adopted.

Senator Johnson made the following motion :

MR. PRESIDENT :

I move to reconsider the vote of the Senate whereby En-grossed Senate Bill No. 217 was passed.

Senator McDonald, from the Committee on Conference, made the following report on Senate Bill No. 108:

MR. PRESIDENT:

Your Committee of Conference, to whom was referred Engrossed Senate Bill No. 108, would respectfully report that they have had under consideration said bill, and the House Engrossed Amendments thereto, and have agreed as follows: That the Senate accedes to all of the House Amendments except that part found on page 11, of Engrossed House Amendments, which read as follows, to-wit:

Add to section 4, the following: "All buildings erected on said realty shall be cottages. The entire plan shall be on the cottage plan. Any violation of this section shall subject the trustees to removal by the Governor," from which the House recedes.

That the House and Senate amend section 4 of the original Engrossed Senate Bill as follows:

By striking out the word "further," in line 13, on page 16, of said bill, and by striking out the word "party" and inserting in lieu thereof the word "fifty" in the same line.

And by inserting after the word "Board," in line 1, on page 17, of said bill, the following words, to-wit: "for the purpose of purchasing said real estate and." That the House and Senate amend Engrossed House Amendments found on page 17 of Engrossed House Amendments by striking out the word "forty" in line 13, and inserting in lieu thereof the word "fifty."

Also, by adding after the word "dollars" in line 14, same page, the words, "for lands, buildings and equipments."

I. B. McDONALD,  
J. M. BARRETT,  
J. D. LEIGHTY,  
JNO. R. GORDON.

The report was concurred in.

Senator Bailey, from the Committee on Elections, made the following report on Senate Bill No. 289:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 289, beg leave to report that they have had the same under consideration and recommend that the bill do pass.



Senator Huston offered the following Resolution No. 82, and moved its adoption :

MR. PRESIDENT :

WHEREAS, The sad intelligence has been received through the public press that Hon. Jesse J. Spann, of Rushville, Ind., departed this life on the 22d day of February, 1887; and,

WHEREAS, Said Jesse J. Spann was an honored and distinguished member of this Senate from the year 1881 until the year 1885; therefore,

*Resolved*, That we deeply sympathize with the family of our deceased friend in their great bereavement.

*Resolved*, That this notice of his death be printed in the Senate Journal of the present session as a testimonial of the respect and esteem in which he was held by his former associates in this body.

*Resolved*, That a copy of this resolution be transmitted by the Secretary of the Senate to the family of the deceased.

Resolution adopted.

Senator Logsdon introduced Senate Bill No. 329, entitled :

A bill for an act to amend section 42 of an act approved June 11, 1852, etc.

Read a first time and referred to Committee on Cities and Towns.

Senator Kennedy, from the Committee on Agriculture, made the following report on Senate Bill No. 270 :

MR. PRESIDENT :

Your Committee on Agriculture, to whom was referred Senate Bill No. 270, having had the same under consideration, recommend that section 7 be amended by striking out the words "five thousand" and inserting the words "twenty-five hundred;" also, by adding the following proviso: *Provided*, That no part of the amount hereby appropriated shall be paid on salaries to officers of said association.

And when the same is so amended, that the bill do pass.

Also, on Senate Bill No. 821 :

**MR. PRESIDENT :**

Your Committee on Agriculture, to whom was referred Senate Bill No. 821, beg leave to report that they have had the same under consideration, and a majority of said committee recommend that the bill do pass.

W. W. BERRY,  
A. M. KENNEDY,  
SILAS PETERSON,  
J. F. COX.

Senator Berry, from the Committee on Agriculture, made the following report on House Bill No. 298:

**MR. PRESIDENT :**

Your Committee on Agriculture, to whom was referred En-grossed House Bill No. 298, beg leave to report that they have had the same under consideration, and recommend that the bill do pass.

Also, on Senate Bill No. 304 :

**MR. PRESIDENT :**

Your Committee on Agriculture, to whom was referred Senate Bill No. 304, beg leave to report that they have had the same under consideration, and recommend that the bill do pass.

Also, on Senate Bill No. 326 :

**MR. PRESIDENT :**

Your Committee on Agriculture, to whom was referred Senate Bill No. 326, introduced by Senator Bailey, have had the same under consideration, and direct me to report the same back to the Senate, with the recommendation that it do pass.

Senator Griffith, from the Committee on Public Buildings, offered the following report on Senate Bill No. 47:

**MR. PRESIDENT :**

Your Committee on Public Buildings, to whom was referred Senate Bill No. 47, introduced by Senator Rahm, beg leave to submit the following report, to-wit: Your committee recommend that the bill pass.

Senator Schloss made the following report on Senate Bill No. 294 :

MR. PRESIDENT :

Your Committee on Fees and Salaries, to whom was submitted Senate Bill No. 294, introduced by Senator Branaman, having had the same under consideration, begs leave to report the same back with a recommendation that the following section (No. 3) be added :

“ Whereas, an emergency exists for the immediate taking effect of this act, it is, therefore, declared that it shall be in force from and after its passage,” and when it is so amended that it do pass.

Also, on Senate Bill No. 271 :

MR. PRESIDENT :

Your Committee on Fees and Salaries, to whom was referred Senate Bill No. 271, introduced by Senator Urmston, have given the same their consideration, and recommend that it do pass.

Senator Smith of Wells introduced Senate Bill No. 330, entitled :

A bill for an act to pay the claims of George H. F. Cuming, Cyrus F. Nixon and Orson M. Tyler, for work done for the State in the preparation and publication of the Revised Statutes, 1881, making appropriation therefor, and declaring an emergency.

Read first time and referred to Committee on Finance.

Senator Davis made the following report on Senate Bill No. 321 :

MR. PRESIDENT :

The undersigned, of the Committee on Agriculture, to whom was referred Senate Bill No. 321, in relation to circuses and agricultural fairs, makes the following minority report :

Believing that the provisions of said bill are an infringement on the rights and privileges of the inhabitants of the State, and of doubtful constitutionality, I therefore recommend the indefinite postponement of the bill.

Senator Andrew, from the Committee on Temperance, made the following report on House Bill No. 20:

MR. PRESIDENT:

Your Committee on Temperance, to whom was referred Engrossed House Bill No. 20, a bill for an act to regulate the sale of intoxicating liquors, has had the same under consideration, and, on examination of the bill, your committee found that some person or persons, unknown to the committee, had made important changes in the engrossed bill by crossing out several clauses of the bill with lead pencil, thus leaving it in such a condition that your committee is unable to determine what the engrossed bill really is. Your committee unanimously instructed me to report the bill back to the Senate for such action as would be proper in such case. The chairman further reports that the bill is now in the same condition as when it came into his hands.

Senator Weir moved that House Bill No. 20 be returned to the House with the report thereon.

Motion carried.

The following message was received from the House:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bill No. 292, a bill defining the boundary line between the State of Indiana and the State of Kentucky, and the same is herewith transmitted to the Senate.

W. H. SMITH,  
Clerk.

Senator Andrew, from the Committee on Temperance, made the following report on Senate Bill No. 295:

MR. PRESIDENT:

Your Committee on Temperance, to whom was referred Senate Bill No. 295, introduced by Senator Cox, have had the same under consideration and direct me to report the same back to the Senate with the recommendation that it do pass.

Also, on Senate Bill No. 285:

**MR. PRESIDENT:**

Your Committee on Temperance, to whom was referred Senate Bill No. 285, begs leave to report that they have had the same under consideration and recommend that the bill be indefinitely postponed.

Senator Cox, from the Committee on Insurance, made the following report on Senate Bill No. 315:

**MR. PRESIDENT:**

Your Committee on Insurance, to whom was referred Senate Bill No. 315, introduced by Senator Winter, have had the same under consideration and direct me to report that they recommend that it do pass.

Also, on Senate Bill No. 284:

**MR. PRESIDENT:**

Your Committee on Insurance, to whom was referred Senate Bill No. 284, introduced by Senator Day, have had the same under consideration and direct me to report that it be indefinitely postponed.

Also, on Senate Bill No. 240:

**MR. PRESIDENT:**

Your Committee on Insurance, to whom was referred Senate Bill No. 240, introduced by Senator Cox, considered same and direct me to report that they recommend it do pass.

Senator Hale made the following report:

**MR. PRESIDENT:**

Your Committee on Inspection and Supervision of the Journals of the Senate beg leave to report that they have examined said journal from February 15 to February 22 inclusive, and find the same to be correct.

The report was concurred in.

Senator Barrett, from the Committee on Cities, made the following minority report on Senate Bill 126 :

**MR. PRESIDENT :**

The undersigned members of your Committee on Cities recommend that Senate Bill No. 126 be indefinitely postponed.

J. M. BARRETT,  
I. B. McDONALD,  
V. ZIMMERMAN.

Senator Bailey, from the Committee on Labor, made the following report on Senate Bill No. 308 :

**MR. PRESIDENT :**

Your Committee on Labor and Labor Statistics, to whom was referred Senate Bill No. 308, introduced by Senator Rahm, beg leave to report that they have had the same under consideration, and report that we recommend that the bill do pass.

Senator Sellers, from the Committee on Judiciary, made the following report on House Bill No. 64 :

**MR. PRESIDENT :**

Your Committee on Judiciary, to whom was referred House Bill No. 64, having had the same under consideration, begs leave to submit the following report : Your committee recommends that said bill do pass.

Also, on House Bill No. 10 :

**MR. PRESIDENT :**

Your Committee on Judiciary, to whom was referred House Bill No. 10, begs leave to recommend that said bill be referred to the Committee on Education.

Concurred in.

Also, on House Bill No. 223 :

**MR. PRESIDENT :**

Your Committee on Judiciary, to whom was referred House Bill No. 223, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be passed.

Also, on House Bill No. 289 :

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred House Bill No. 289, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be passed.

Also, on House Bill No. 294 :

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred House Bill No. 294, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be passed.

Also, on Senate Bill No. 274 :

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred Senate Bill No. 274, introduced by Senator Winter, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be indefinitely postponed.

Also, on Senate Bill No. 296 :

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred Senate Bill No. 296, introduced by Senator Drake, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be passed.

Also, on Senate Bill No. 297 :

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred Senate Bill No. 297, introduced by Senator Duncan, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be referred to Committee on Education.

Concurred in.

Also, on Senate Bill No. 298 :

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred Senate Bill No. 298, introduced by Senator Duncan, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be passed.

Also, on Senate Bill No. 300 :

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred Senate Bill No. 300, introduced by Senator Harness, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be passed.

Also, on Senate Bill No. 318 :

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred Senate Bill No. 318, introduced by Senator Shively, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be passed.

Engrossed House Bill No. 7 was read a first time and referred to Committee on Cities and Towns.

The question being the consideration of the motion to postpone Senate Bill No. 324.

The same was taken up.

Senator Fowler offered the following amendment to the motion to recommit Senate Bill No. 324:

MR. PRESIDENT :

I move to amend the motion to postpone by recommitting Senate Bill No. 324, with instructions to so amend said bill, "that the Prison North and the Prison South, shall be under one Board of Directors to consist of three members to be elected by the General Assembly and to hold their offices for the term of four years."

Lost.



The ayes and noes being demanded and taken, resulted as follows :

Those voting in the affirmative were :

Senators Bailey, Cox, Day, Duncan of Brown, Fowler, Howard of Decatur, McClure, Rahm, Schloss, Thompson of Marion, Tharp, Urmston, and Mr. President. Total, 13.

Those voting in the negative were :

Senators Andrew, Barrett, Berry, Branaman, Campbell, Davis, Drake, Dresser, Duncan of Tipton, Ensley, Griffith, Hale, Harness, Howard of St. Joseph, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McDonald, Moon, Peterson, Shroyer, Sears, Sellers, Shively, Smith of Wells, Winter, Weir, and Zimmerman. Total, 31.

So the motion was lost.

The question recurring on the motion to postpone consideration of Senate Bill No. 324 until to-morrow.

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Bailey, Cox, Day, Duncan of Brown, Fowler, McClure, Schloss, Thompson of Marion, Tharp, Urmston, and Zimmerman. Total, 11.

Those voting in the negative were :

Senators Andrew, Barrett, Berry, Branaman, Campbell, Davis, Drake, Dresser, Duncan of Tipton, Ensley, French, Griffith, Hale, Harness, Howard of St. Joseph, Huston, Johnson, Kennedy, Logsdon, Macy, Marshall, McDonald, Moon, Peterson, Rahm, Shroyer, Sears, Sellers, Shively, Smith of Wells, and Weir. Total, 31.

So the motion was lost.

Senate Bill No. 324 was read a second time, with the report of the committee on the same.

The report of the committee was concurred in.

Senator Campbell offered the following amendment to Senate Bill No. 324 :

**MR. PRESIDENT :**

I move to amend Senate Bill No. 324 by adding the following after the words, "to consist of," in line 3 of the printed copy of the bill, to-wit: "four members, two of whom shall be selected from one of the two leading political parties of this State, and two from the other of said parties;" and also by adding after the word "years," in line 10, the following words: "which board shall, at all times, consist of two members belonging to one of the two leading political parties of the State, and two members belonging to the other of said parties, and in all cases of a tie vote of said board in any matters relating to the control or management of said prisons, or either of them, the Governor of the State shall be consulted by said board, and shall give the casting vote on such question."

The following message was received from the House :

**MR. PRESIDENT :**

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 146, a bill relating to gravel roads, and the same is herewith transmitted to the Senate.

W. H. SMITH,  
Clerk of the House.

Senator Howard of Decatur made the following motion :

**MR. PRESIDENT :**

I move that the special order now be suspended, and that we proceed with the regular order of business.

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Berry, Branaman, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Schloss, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, Mr. President. Total, 24.

Those voting in the negative were :

Senators Barrett, Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Hale, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Peterson, Rahm, Shroyer, Sears, Sellers, Winter, Weir. Total, 23.

The motion carried.

Senate bills on second reading were taken up.

Senate Bill No. 61 was read a second time with the report of the committee thereon.

The report of the committee was concurred in.

On motion of Senator Rahm the bill was ordered engrossed.

The following message was received from the House :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 20, a bill to regulate the sale of intoxicating liquors, and the same is herewith transmitted to the Senate.

W. H. SMITH,  
Clerk of the House.

Senator Weir moved to suspend the rules, and that Senate bills on second reading be taken up and continued until exhausted.

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Cox, Day, DeMotte, Harness, Johnson, Kennedy, Marshall, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sears, Shively, Smith of Wells, Tharp, Weir. Total, 18.

Those voting in the negative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Campbell, Drake, Dresser, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Huston, Macy, Moon, Sellers, Thompson of Marion, Winter, Zimmerman, Mr. President. Total, 23.

So the motion was lost.

Senate bills on third reading being the order, they were taken up.

Substitute for Senate Bills Nos. 1 and 234 was taken up and read a third time.

Senator Johnson made the following motion:

MR. PRESIDENT:

I move that substitute for Senate Bills Nos. 1 and 234 be committed to a special committee of three, with instructions to so amend the same as to provide that in the appointment of the inspectors or examiners in said bill provided for, no regard shall be had to the political opinion of the appointee.

Senator Schloss demanded the previous question.

Tharp raised the point that the motion of Johnson was out of order, it not being genuine to the bill.

The point of order was sustained.

Senator Drake offered the following amendment to Senate Bills Nos. 1 and 234, with instructions:

MR. PRESIDENT:

I move that the bills Nos. 1 and 234 be referred to a committee of one, with instructions to strike out section 12 of said bill.

Adopted.

Senator Drake was appointed said committee.

Senator Drake, from special committee to amend Senate Bills Nos. 1 and 234, made the following report:

MR. PRESIDENT:

Your special committee, to amend substitute for Senate Bills Nos. 1 and 234 by striking out section 12 of said bill, report that said bill has been amended accordingly.

Report of the committee concurred in.

Senator Winter offered the following amendment to Senate Bills Nos. 1 and 234, with instructions:

Refer to committee of one, with instructions to amend section 9 by adding thereto the following: But nothing contained in this, or any other section, shall have the effect to relieve the

owner or person having control or management of any engine, boiler, or connections of any duty or responsibility which he would otherwise be under.

Adopted.

Senator Winter was appointed said committee.

Senator Winter, from the special committee appointed to amend substitute for Senate Bills Nos. 1 and 234, made the following report:

That said bill has been amended according to instructions.

The report was concurred in.

The question being, Shall substitute for Senate Bills Nos. 1 and 234 be passed?

The roll being called resulted as follows:

Those voting in the affirmative were:

Senators Bailey, Barrett, Berry, Branaman, Cox, Day, Duncan of Brown, Ensley, Fowler, French, Griffith, Howard of Decatur, Howard of St. Joseph, Johnson, Logsdon, Macy, McClure, McDonald, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Thompson of Marion, Tharp, Trippet, Winter, Weir, and Mr. President. Total, 81.

Those voting in the negative were:

Senators Andrew, Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Harness, Huston, Kennedy, Marshall, Moon, Mullinix, Smith of Wells, and Zimmerman. Total, 15.

So the bill passed.

The title to the bill as read was adopted as the title to the act.

On motion of Senator Fowler the Senate adjourned.

## AFTERNOON SESSION. .

FEBRUARY 23, 1887.

The Senate met pursuant to adjournment at 2 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Senator Bryant, from the Committee on County and Township Business, made the following report on Senate Bill No. 31 :

MR. PRESIDENT :

Your Committee on County and Township Business, to whom was referred Senate Bill No. 31, introduced by Senator Smith of Wells, and the substitute offered by Senator Howard of St. Joseph, having had the same under consideration, begs leave to report that the substitute be indefinitely postponed, and the original bill be amended by striking out all of line 18 after the word, "defendants," and the first part of the line 14 up to the word, "attend," and your committee recommend that after said bill is so amended that it do pass.

Also, on Engrossed House Bill No. 15:

MR. PRESIDENT :

Your Committee on County and Township Business, to whom was referred Engrossed House Bill No. 15, have had the same under consideration and recommend that the same do pass.

Also, on Senate Bill No. 306:

MR. PRESIDENT :

Your Committee on County and Township Business, to whom was referred Senate Bill No. 306, which reads as follows: "An act concerning voluntary associations for the purpose of forming fair associations, for the improvement of the breaking and speed of stock and the promotion of agriculture, and authorize such associations to hold real estate and personal property by purchase, gift or devise, and to sell and convey the same," have had the same under consideration and recommend that it do pass.

Also, on House Bill No. 235 :

MR. PRESIDENT :

Your Committee on County and Township Business, to whom was referred Engrossed House Bill No. 235, which title reads as follows: "A bill for an act to authorize the Trustees of Jamestown, Boone County, Indiana, to compromise and adjust certain tax claims," have had the same under consideration and recommend that the bill do pass.

Also, on Senate Bill No. 302 as follows :

MR. PRESIDENT :

Your Committee on County and Township Business, to whom was referred Senate Bill No. 302, have had the same under consideration and recommend that it be indefinitely postponed, for the reason that Senate Bill No. 178, similar to Senate Bill No. 302, has been recommended favorably to the Senate by the Committee on County and Township Business.

Also, on Senate Bill No. 228, as follows :

MR. PRESIDENT :

Your Committee on County and Township Business, to whom was referred Senate Bill No. 228, which title read as follows: A bill for an act to amend an act entitled "An act to authorize the Township Trustee of Union Township, Union County, Indiana, or his successors in office, to pay certain indebtedness incurred by a former Trustee of said township," approved March 29, 1879, have had the same under consideration and recommend that it do pass.

Senate Bill No. 11 was read a third time.

The question being, Shall the bill pass?

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Campbell, Cox, Davis, DeMotte, Dresser, Duncan of Tipton, Duncan of Brown, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Johnson, Kennedy, Logsdon, Macy, Marshall, McDonald, Moon, Mullinix, Peterson, Rahm, Shroyer,

Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Winter, Weir, Zimmerman, and Mr. President. Total, 87.

Those voting in the negative were:

Senators Day and Fowler. Total, 2.

So the bill passed.

The title to the bill as read was adopted as the title to the act.

Senate Bill No. 23 was read a third time.

The question being, Shall the bill pass?

The roll being called, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branamau, Campbell, Cox, Dresser, Duncan of Tipton, Duncan of Brown, Fowler, Hale, Harness, Howard of St. Joseph, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Shively, Smith of Wells, Thompson of Marion, Urmston, Zimmerman. Total, 82.

Voting in the negative:

Senators Trippet, Winter, Weir. Total, 3.

So the bill passed.

The title to the bill as read was adopted as the title to the act.

Substitute for Senate Bills Nos. 27 and 68 was read a third time.

The following communication was received from the Governor:

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, February 23, 1887. }

*To the Honorable, the President of the Senate:*

By the direction of the Governor, I have the honor to inform the Senate that he has received and approved Senate Enrolled Act No. 278, and has caused the same to be filed in the office of the Secretary of State.

PIERRE GRAY,  
Private Secretary.



Senator McDonald made the following motion in regard to Senate Bill No. 27:

**MR. PRESIDENT:**

I move to refer the bill to a special committee of one, who shall strike out the words "or pasters" in line 6 in section 12 and report at once.

The motion carried and Senator McDonald was appointed on said committee, and after making the change as directed reported the bill back.

Report concurred in.

The question being, Shall substitute for Senate Bills Nos. 27 and 68 pass?

The roll being called resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Campbell, Cox, Davis, Drake, Dresser, Duncan of Tipton, Duncan of Brown, Ensley, Griffith, Hale, Harness, Howard of St. Joseph, Johnson, Kennedy, Logsdon, Macy, Marshall, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Schloss, Shroyer, Sears, Sellers, Shively, Smith of Wells, Thompson of Marion, Trippet, Urmston, Winter, Weir, Zimmerman. Total, 41.

Those voting in the negative were:

Senators Day, Fowler. Total, 2.

So the bill passed.

The title to the bill was referred to the Committee on Phraseology.

Senator Fowler, from the Committee on Enrolled Bills, made the following report:

**MR. PRESIDENT:**

Your Committee on Enrolled Bills would report that they have compared Engrossed Senate Bill No. 292 with Enrolled Senate Act No. 292 and find the same correctly enrolled.

Concurred in.

Senator Sellers, from the Committee on Conference, made the following report on Senate Bill No. 208 :

MR. PRESIDENT :

The undersigned Conference Committee, appointed by the House and Senate upon Senate Bill No. 208, have had the matters of disagreement between the two houses concerning said bill under advisement, and your committee would respectfully report and recommend as follows :

The House accedes that Engrossed House Amendments to said bill be amended as follows: Strike out of lines 6 and 7 of said amendments, the words: "Belgian horses or any other." Strike out lines 13, 14 and 15 of said amendments and insert the word "registered," at the beginning of line 16.

When the said Engrossed House Amendments are so changed, the Senate accedes to said amendments.

O. F. ROBERTS,  
J. S. BUCKLES,  
J. M. BARRETT.

The report was concurred in.

On motion of Senator Fowler, the Senate adjourned.

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## THURSDAY MORNING.

FEBRUARY 24, 1887.

The Senate met in regular session.

Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by Senator Smith of Wells.

On motion of Senator Fowler, the reading of the journal was dispensed with.

Robert S. Robertson appeared upon the floor of the Senate, at the convention of the Senate, and, in a disorderly manner, interrupted the business of the Senate.

The Hon. A. G. Smith, President of the Senate, ordered the said Robertson to keep order, and not interrupt the business of the Senate, but he persisting in his disorderly conduct, Senator Fowler moved that the Door-keeper be instructed to remove Robert S. Robertson from the floor of the Senate.

The motion carried, and the Door-keeper removed said Robertson from the floor of the Senate, after which, the business of the Senate was resumed.

On motion of Senator Bailey, a roll-call of the Senate was had, and the following Senators answered to their names:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, and Mr. President. Total, 31.

Those present and refusing to answer to their names were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears, Thompson of Jasper, Winter. Total, 18.

Senator Weir was granted an indefinite leave of absence.

Senator Bailey moved that the Senate take up Senate Bill No. 286.

The motion carried.

Senate Bill No. 286 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

Senator Bailey moved that the bill be engrossed.

The motion carried.

Senator Bailey moved that the constitutional rule be suspended and that Senate Bill No. 286 be read a third time and put upon its passage.

The roll being called resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, and Mr. President. Total, 31.

Those present and refusing to vote were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears, Thompson of Jasper, and Winter. Total, 18.

So the rule was not suspended.

Senator Schloss called up Senate Bill No. 61.

Senate Bill No. 61 was read a third time.

The question being, Shall the bill pass?

The roll being called resulted as follows:

Those present and voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, and Mr. President. Total, 31.

Those present and refusing to vote or answer to their names were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears, Thompson of Jasper, and Winter. Total 18.

So the bill passed.

The title to the bill as read was adopted as the title to the act.

Senator Trippet moved that Senate Bill No. 10 be engrossed.

The motion carried.

Engrossed Senate Bill No. 34 was taken up and read a third time.

Senator Tharp moved to refer Senate Bill No. 34 to a committee of one, with instructions.

MR. PRESIDENT :

I move to insert after the word "shoots," in line 4, these words: "Nets, traps."

Senator Tharp was appointed as such committee, and reported that he had amended the bill according to instructions.

Report concurred in.

The question being, Shall Senate Bill No. 34 pass?

The roll being called resulted as follows:

Those voting in the affirmative were:

Senators Berry, Branaman, Bryant, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of St. Joseph, McDonald, Peterson, Sellers, Shively, Thompson of Marion, Tharp, Zimmerman. Total, 17.

Those voting in the negative were:

Senators Andrew, Bailey, Barrett, Cox, Logsdon, McClure, Mullinix, Rahm, Schloss, Smith of Wells, Trippet, Urmston. Total, 13.

Those present and refusing to vote were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears, Winter. Total, 17.

So the bill did not pass.

Senator French made the following motion:

MR. PRESIDENT :

I move that those members of this Senate who are present but refuse to answer to their names when the roll is called on the passage of Senate Bill No. 34 be not excused from voting, the same being Messrs. Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears, Thompson of Jasper, and Winter.

The motion carried.

The roll was again called, and those Senators present and refusing to vote still persisted in their refusal to vote.

Senator Rahm called up Senate Bill No. 141, which was read a second time with the report of the committee thereon.

The report was concurred in.

The bill was ordered engrossed.

Senate Bill No. 81 was read a second time with the report of the committee thereon.

The report of the committee was concurred in.

Senator Urmston offered the following amendment to Senate Bill No. 31, being Amendment No. 1 :

MR. PRESIDENT :

I move that Senate Bill No. 31 be amended as follows : Strike out all of said bill after the enacting clause and substitute the following : That section 8 of the above-entitled act, being section 5845 of the Revised Statutes 1881, of the State of Indiana, be amended to read as follows :

SEC. 3. Such Clerk shall indorse under his hand on all writings required to be filed in his office, the time of filing thereof; carefully preserve in such office all records and writings appertaining to his official duties; procure, at the expense of the county, all order and final record books; a book in which he shall register the names of all county and township officers whose bonds are filed with him, when they were commissioned, when they qualified and gave bond, the names of sureties, expiration of the terms of such officers, and the time of the occurring of a vacancy; a general index of the civil and criminal records of the court, with proper columns for the names of the parties plaintiff and defendant, for reference by number to the original files in the case, the number and pages of the order book entries, the number and page of the complete record of the case; also of the fee book, judgment docket and execution docket; attend, in person or by deputy, the Circuit Court of such county, and enter in the proper record books all orders, judgments and decrees of such court, and in final record books, within one month after the same are finally

determined, a complete record of all causes in which the title to land is involved, and of all criminal causes in which the punishment is death or imprisonment in the State prison, except where a *nolle prosequi* is entered or an acquittal is had, and in all other cases at the request of either party on payment of costs therefor. Such Clerk shall not become the purchaser of any judgment, decree or allowance of such court, and all such purchases shall be void as to the purchaser.

Adopted.

Senator Urmston moved that Senate Bill No. 31 be engrossed.

The motion carried.

Senate Bill No. 47 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

Senate Bill No. 63 was read a second time, with the report of the committee thereon.

Senator Bailey moved to lay the bill on the table.

The motion carried.

Senate Bill No. 64 was read a second time, with the report of the committee thereon.

Senator Bailey moved to lay Senate Bill No. 64 on the table.

The motion carried.

Senate Bill No. 70 was read a second time, with the report of the committee thereon.

Senator Rahm moved that Senate Bill No. 70 lie on the table.

The motion carried.

Senate Bill No. 71 was read a second time, with the report of the committee thereon.

Senator Bailey moved to lay Senate Bill No. 71 on the table.

The motion carried.

Senator Barrett offered the following Concurrent Resolution No. 13:

WHEREAS, The session of this General Assembly is drawing to a close; and,

WHEREAS, The State House Commissioners have ordered a suspension of work upon the new State House, thereby discharging a large force of employes, on account of the failure of the necessary appropriations to continue the work, and which will entail upon the State the expense of the State House Commission for two years longer than necessary to complete the work, if such appropriations were made; and,

WHEREAS, It is highly important that the needful legislation be had making provision for the erection and maintenance of the Soldiers' and Sailors' Orphans' Home; for the completion of the Hospitals for the Insane, and the State House; for the erection of the Asylum for the Feeble-minded Children, so that they may be separated from the soldiers' orphans; for providing means to defray the current and extraordinary expenses of the State; for the maintenance of the educational institutions, and for the building of the Soldiers' Monument; and,

WHEREAS, The prompt passage of these necessary measures will avoid the necessity of an extra session, thereby saving many thousands of dollars to the tax-payers of the State; Therefore, be it

*Resolved by the Senate, the House of Representatives concurring herein,* That the measures above named shall receive immediate consideration in both the Senate and House of Representatives and be promptly passed.

Senator Barrett moved that the resolution be adopted.

The ayes and noes being demanded and taken, resulted as follows:

Those present and voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, and Mr. President. Total, 29.



Those present and refusing to vote were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears, and Winter. Total, 17.

Senator Davis, being present and refusing to vote on Senate Concurrent Resolution No. 13,

Senator Bailey moved that Senator Davis be not excused from voting on said resolution.

The motion carried.

Senator Campbell being present and refusing to vote on Senate Concurrent Resolution No. 13,

Senator Urmston moved that Senator Campbell be not excused from voting on said resolution.

Motion carried.

Senator DeMotte being present and refusing to vote on Senate Concurrent Resolution No. 13,

Senator Urmston moved that Senator DeMotte be not excused from voting on said resolution.

Motion carried.

Senator Drake being present and refusing to vote on Senate Concurrent Resolution No. 13,

Senator Bailey moved that Senator Drake be not excused from voting on said resolution.

Motion carried.

Senator Duncan of Tipton being present and refusing to vote on Senate Concurrent Resolution No. 13,

Senator Bailey moved that Senator Duncan of Tipton be not excused from voting on said resolution.

Motion carried.

Senator Ensley being present and refusing to vote on Senate Concurrent Resolution No. 13,

Senator Bailey moved that Senator Ensley be not excused from voting on said resolution.

Motion carried.

Senator Harness, being present and refusing to vote on Senate Concurrent Resolution No. 18,

Senator Bailey moved that Senator Harness be not excused from voting on Senate Concurrent Resolution No. 18.

Motion carried.

Senator Huston being present and refusing to vote on Senate Concurrent Resolution No. 18,

Senator Bailey moved that Senator Huston be not excused from voting on said resolution.

Motion carried.

Senator Johnson being present and refusing to vote on Senate Concurrent resolution No. 18,

Senator Rahm moved that Senator Johnson be not excused from voting on said resolution.

Motion carried.

Senator Kennedy being present and refusing to vote on Senate Concurrent Resolution No. 18,

Senator Bailey moved that Senator Kennedy be not excused from voting on Senate Concurrent Resolution No. 18.

Motion carried.

Senator Macy being present and refusing to vote on Senate Concurrent Resolution No. 18,

Senator Rahm moved that Senator Macy be not excused from voting on said resolution.

Motion carried.

Senator Marshall being present and refusing to vote on Senate Concurrent Resolution No. 18,

Senator Bailey moved that Senator Marshall be not excused from voting on said resolution.

Motion carried.

Senator Moon being present and refusing to vote on Senate Concurrent Resolution No. 18,

Senator Bailey moved that Senator Moon be not excused from voting on said resolution.

Motion carried.

Senator Shroyer being present and refusing to vote on Senate Concurrent Resolution No. 13,

Senator Rahm moved that Senator Shroyer be not excused from voting on said resolution.

Motion carried.

Senator Sears being present and refusing to vote on Senate Concurrent Resolution No. 13,

Senator Bailey moved that Senator Sears be not excused from voting on said resolution.

Motion carried.

Senator Winter being present and refusing to vote on Senate Concurrent Resolution No. 13,

Senator Bailey moved that Senator Winter be not excused from voting on said resolution.

Motion carried.

Senator Thompson of Jasper was granted a leave of absence for the day.

Senator Howard of Decatur was granted a leave of absence for the day.

The names of those Senators present and refusing to vote were called a second time, and they still persisted in their refusal to vote.

Senate Bill No. 280 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

Senate Bill No. 73 was read a second time, with the report of the committee thereon.

Senator Fowler moved to lay the bill on the table.

The motion carried.

Senator Barrett, from the Committee on Prisons, offered the following report and evidence from the State Prison South, as a continuation of his former report :

**SUPPLEMENTAL REPORT ON STATE PRISON SOUTH  
BY SENATE COMMITTEE.**

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FEBRUARY 24, 1887.

**MR. PRESIDENT :**

Your Committee on Prisons beg to further report in regard to the Prison South.

They notified H. V. Norvell and R. J. Wilson, Directors of said Prison South, to appear before said committee and make such statement in regard to their management of said prison as they desired, and afforded them an opportunity so to do; but said Directors failed to appear and make any statement to said committee, although they were both present in the city of Indianapolis and personally requested to appear and make such statement.

The Rev. — McCain, a former Chaplain of said Prison, appeared before said committee and made a statement, which is submitted herewith, and which is neither creditable to said institution nor to himself.

Your committee are of the opinion that the further investigation of the books and accounts should be made by a competent expert accountant; that the Directors of said prison should be removed from office, and to that end that Senate Bill No. 324 should be passed.

J. M. BARRETT, Chairman.  
GEO. MOON,  
OSCAR TRIPPET,  
T. E. HOWARD,  
R. B. SEARS,  
D. C. BRYANT.

## TESTIMONY.

A. J. Howard, Warden, being duly sworn to testify the truth, the whole truth and nothing but the truth, deposes as follows, to-wit:

Q. Please state to the committee in what manner you keep the cash account of the prison, and in what bank you keep the money.

A. I receive the cash and sometimes do not deposit it and sometimes do.

Q. How often do you deposit the funds of the prison in bank?

A. I deposit them at different times—no regular time of deposit.

Q. About how frequently?

A. About as they come in.

Q. From day to day, or week to week?

A. Well, now, if I get funds I may make up packages and send to the bank.

Q. In what bank do you deposit?

A. I keep my money usually in the Citizens' National Bank, of Louisville.

Q. In what bank are the funds of the prison kept?

A. Being custodian of the funds, it is a matter of election with me whether I deposit them as private deposits or official, and I simply use my official name to keep the deposit separate from my own in the bank.

Q. Then, as a matter of fact, you do keep the funds of the prison separate from your own private account in bank?

A. Yes, sir.

Q. Do you deposit the funds of the prison in any other bank than the Citizens' Bank?

A. I am not sure whether I have had at any time any deposit in the First National Bank or not. I have not recently. I may have got a check sometime on that bank and left it there. I have done my private business with the Citizens' National Bank.

Q. Where do you keep the funds of the prison that are not deposited in the bank?

A. In the safe.

Q. What amount of money have you now on hand in the safe?

A. I think it is about \$2,200. I have it in a book in the safe.

Q. Is there a bank in Jeffersonville by the name of Adams' Bank?

A. No, sir. There is a Mr. Adams cashier of the Citizens' Bank.

Q. Who is cashier of the other bank you spoke of?

A. Mr. Campbell is cashier of the First National Bank.

Q. Capt. Howard, we find upon counting, that you have \$2,200 cash in the safe. Have you any other?

A. There is some in the drawer.

Q. How much?

A. I do not know.

Q. Where is your bank-book showing your deposit in the Citizens' National Bank?

A. I have not got that bank-book brought up. I do not bother much with the bank-book.

Q. Have you no bank-book that you keep?

A. No, sir; I do not keep any bank account.

Q. Do you keep any account upon the books of the bank with which you deposit your funds?

A. No, sir. Those funds are treated as simply the funds for which the Warden is responsible.

Q. Have you no bank-book at all?

A. Well, I have generally, but I do not propose to show that bank-book because it is a private matter.

Q. Have you ever kept any account with the banks in which you deposited the funds of the State?

A. No, sir; I have never kept any account.

Q. Was this money that you now have on hand drawn out by check?

A. No, sir.

Q. Do you check against your bank account at all?

A. No, sir.

Q. How do you get the money from the bank?

A. Well, I check from the bank, but I do not keep any account of it.

Q. How often do you get your checks, as Warden, returned to you from the bank?

A. Well, any time I call for them. No regular time.

Q. When did you last call for your checks?

A. I do not know.

Q. Can you tell about how long ago?

A. About as much as two or three weeks.

Q. Have you the checks that you have drawn as Warden in the office, that have been returned to you from the bank?

A. The checks have been destroyed. I did not check up the book.

Q. What was the amount of the bond required of you to be filed?

A. \$30,000.

Q. Who are your bondsmen?

A. Michael McCann, Jonas Howard, George Howard, and J. W. Howard.

Q. What business is Mr. McCann in?

A. He is a coal dealer.

Q. Is he at Jeffersonville?

A. Yes, sir.

Q. Does he own any real estate here?

A. Yes, sir. He is worth \$100,000, but not all in real estate.

Q. Were these funds that you now have on hand drawn on one check or different checks?

A. I have some of them that I have been taking out and putting in the drawer. Mr. Huett settles with the convicts, and pays orders for the convicts, and pays small bills; and if I am away I leave him money. Sometimes I check money directly in the Clerk's hands to pay things off.

Q. Do you usually keep the amount of money in your safe that you have now on hands?

A. Sometimes more and sometimes less. I regard this as being a guarded point. It is under guard all the time—night and day—at night particularly.

Q. I understand you to say that the funds now on hand have been drawn from the bank.

A. No, sir; these have not all been drawn. I do not know what source they came from. They have been there a long while. When I want to know how much funds I have I refer to the convict cash or cash on hand.

Q. Please explain how you understand the account of visitors' cash is kept.

A. Well, I have a system of selling tickets to visitors, and the tickets are here in the drawer. Ordinarily the sales are made by the Clerk of the prison, but if he is away and I am here, I may direct anybody to receive any tickets. Except the Clerk is away, I never receive any tickets.

Q. Are the tickets issued numbered?

A. No, sir.

Q. Is there any account kept, or any memorandum in this office, or by counting the number of tickets that are issued from the office and by counting the tickets as they are returned to the office that have been used by the visitors, so as to know how many tickets per day, or per week, or per month, are issued?

A. The Clerk keeps this visitors' cash up during the month, and at the close of a month, or about the close of a month, he takes up the tickets and verifies that cash, and instead of keeping it, he hands it over to my custody. Sometimes I direct him that when I am away, he may pay the discharged convicts, and other items in business, out of that fund, but convict money is always returned to us.

Q. Is there a separate drawer or receptacle into which the visitors' cash is put and no other funds mingled with it?

A. The Clerk has separate departments in the drawer, and he puts visitors' funds in one of the departments, and the cash receipts for prisoners in another receptacle. He has departments where he keeps any money on hand to pay little accounts.

Q. Then is that visitors' fund only counted at the close of the month?



A. Yes, sir. He closes it up every month and verifies the tickets and enters it up on the small book of accounts received that month.

Q. When a ticket is issued over the counter here to the visitor, is there a receptacle to place the ticket during the month?

A. The guard at the gate receives the ticket and sends the visitor through the prison, and puts the ticket immediately in a box for that purpose.

Q. Who has the key to that box?

A. The Clerk.

Q. Is there any record kept of the tickets as they are taken from the box?

A. The cash represents those tickets and the tickets represent the cash.

Q. That, I understand, is the only method of verifying or checking the visitors' account.

A. Yes, sir.

Q. This statement that you have handed us of the general cash and visitors' cash and convicts' cash, amounting to \$9,362.27, is the account upon what particular day?

A. That is the account of yesterday.

Q. According to the statement that you hand the committee, there are now on hand assets of the prison amounting to \$2,200. There have been exhibited to us, and counted by us, \$2,200, leaving a residue of \$7,162.27. Have you any deposit in any bank, or elsewhere, that residue of \$7,162.27?

A. Yes, sir, and something over. I have not looked it up. I will have one of my men go by the bank this morning.

Q. To what bank?

A. The Citizens' Bank. I propose to check it and bring it to you the same as this other matter, whenever you want to see it. I propose to make such settlement as if I was turning over the office to you.

Q. How long a time has this item of visitors' cash, which, according to the statement you have handed us, amounts to \$1,432.52, been accumulating?

A. That is the balance on that visitors' fund. I do not know. I have spent from it money for books from time to time.

Q. Have you an account giving the dates and the amounts of the expenditures for books out of this visitors' fund, and, if so, will you let us see it?

A. That is in the Clerk's office.

Q. Can you not tell when any money from that visitors' fund was last expended for the purpose of purchasing books?

A. The books in the Clerk's office will tell.

Q. Did you have anything to do as to the directing of the time or the amounts of the expenditures from that fund?

A. Sometimes the Directors ordered a special purchase, or authorized a special purchase, and at other times I exercised my discretion in the matter, such as the purchase of school books, hymn books and Bibles.

Q. Have there been any Bibles purchased in the last five years?

A. Yes, sir.

Q. Where are they kept?

A. They are in the cells. Some prisoners won't take them—Catholics, for instance. And I did buy a lot of prayer books for Catholics. That was a good while ago. The capitalists bought some a long while ago, but the prisoners bought them.

Q. Are you familiar enough with the books to turn and show us the account kept by the Clerk as to the purchase made on account of the library from the visitors' fund?

A. I do not know just what books he has them on. I have never paid any attention to it. I do not know that he keeps it.

Q. Do you not know, as a matter of fact, that some of the recent purchases of books have been second-hand books?

A. Yes, sir; and so ordered. Where second-hand books with good binding could be purchased cheaper, they could be taken. The Chaplain bought some second-hand books, and spent a good while picking them out.

Q. Can you turn to the account showing the purchase of second hand books, on the invoice or voucher?

A. I think the invoice or voucher can be exhibited. I want to say further in relation to the library that sometimes we bought books generally from the agent that comes along.

Q. From whom do you buy your coal supplies for the prison, and in what manner?

A. From Mr. McCann, by the monthly supplies.

Q. Is Mr. McCann the one that is on your bond?

A. Yes, sir; but I bought of him before he was on my bond.

Q. Do you buy that coal by the wagon load or by the car load?

A. That coal is river coal in barges.

Q. What quantity of coal do you contract for at a time?

A. I contract for a month's supply.

Q. What rate have you been paying for coal during the past month, delivered at the prison?

A. I think I authorized Mr. Allen to purchase it at ten cents for the last month. I would not be sure.

Q. Ten cents a bushel?

A. Yes, sir.

Q. Did you pay any addition to the ten cents a bushel cartage from the wharf to the prison?

A. No, sir; it is delivered in the prison.

Q. From whom do you buy the general provision supplies for the prison?

A. I generally buy of Eakin & Co.

Q. Who composes the firm of Eakin & Co.?

A. I do not know the name of the man that is in partnership with him. He is a traveling man. I have never seen him.

Q. Is not this Eakin & Co., a firm here in the city of Jeffersonville doing a wholesale business and having an office within a mile and a half of the prison?

A. Yes, sir. They have a business house. The supplies I buy are all delivered in the prison.

Q. What system of checks have you upon the supplies that are furnished?

A. Well, Mr. Allen receives the supplies. He knows what he orders, and when he is not here I send some other officer.

Q. Do you keep any books or records in which there is noted at the time the provisions or supplies that are furnished to the prison?

A. I do not keep any special book for that purpose. Mr. Allen has memorandum books in his pocket. When I inquire whether certain orders are filled, he tells whether they are or not.

Q. What system of orders have you for these prison supplies?

A. I have Mr. Allen—for instance, I want anything to-day—to give the order for me, if I am not going to town myself, and generally I do not go up town.

Q. Have you any books or system of books in which you keep a record of the supplies that are ordered?

A. No, sir. We know what orders they have out, and Mr. Allen knows what orders have been received.

Q. How much is the prison indebted to Mr. McCann for coal supplies?

A. I do not remember.

Q. Can you turn to your books and show the committee how much you are in debt to Mr. McCann for coal supplies?

A. Before I answer that question I want to see Captain Huett.

Q. When did you make the last settlement with Mr. McCann for coal supplies?

A. We settle with him monthly as to the quantity.

Q. When did you have the last settlement with him as to the amount due?

A. I do not know; sometime this month.

Q. How much is the prison indebted to Eakin & Co. for food supplies?

A. I would like to answer that question when the Clerk comes.

Q. From whom do you buy your meat supplies?

A. Sometimes I buy of Kingan & Co., of Indianapolis, but I have not bought of them for sometime. I have bought hocks and other kinds of meat, but not for sometime. I have bought some special kinds of meat from Armour & Co., but not for sometime.

Q. From whom have you recently purchased your fresh meat supplies?

A. From a man by the name of Bloom & Co., of Louisville.

Q. How much are you indebted to Bloom & Co. for fresh meat supplies in behalf of the prison?

A. I would like to answer that when the Clerk comes in.

Q. When you last settled with Bloom did you settle by paying him money or check on the bank?

A. In money.

Q. Is that the way you settle with Eakin & Co., and McCann?

A. No, sir; I give them checks.

Q. When did you last settle with McCann, either by check or money?

A. Sometime in this month I paid the audited account.

Q. For what month was McCann's coal account last audited?

A. I prefer to answer that from the Clerk's books.

Q. Same way with Eakin & Co.?

A. Yes, sir.

Q. What prison authorities determine when it is necessary to lay in additional or new supplies and provisions?

A. The Warden.

Q. Who determines how much to buy?

A. The Warden.

Q. Who does the purchasing of provisions?

A. I have a man, Mr. Allen, Store-keeper, and in charge of the kitchen and dining-room, who does the ordering for me. He takes my orders for those supplies.

Q. Is Mr. Allen in charge of the store-house?

A. Yes, sir.

Q. Who determines how much goods or provisions, either beans, or meat, or flour, to use from the store-house each day?

A. The supplies for the dining-room run very regular. We feed the same substantial goods one after another—not the same every day, but we have a course; but some articles we feed every day in the year. I regulate that from time to time, and I do not know, for sometime I direct Mr. Allen to feed a given amount of beans, and he weighs it and measures it, and portions it from the store-house each day.

Q. Does he keep, if you know, a memorandum of the amount from day to day of the various articles issued from the store-house?

A. I do not know whether he does or not. I know this, that when I inquire of him about the state of supplies, he gives me a very accurate account, but I have never seen any books that he kept. I can take the statement of supplies and figure out pretty accurately myself as to how they are being consumed under the regulations. Please ask him to tell you what my regulation is.

Q. Are there any memorandum books, papers or accounts kept by Mr. Allen, the Clerk, or you, by which you can tell the amount of provisions on hand, either of pork, corn, corn meal, flour, beans, coffee or molasses, or any of these articles, without having the Steward or some one else go and visibly inspect the store-house and see if there is anything?

A. I have no such account in the office. I will state that I make personal inquiry monthly as to the state of supplies—not every month, but nearly every month.

Q. Is not this, then, your custom and practice with reference to the purchase of supplies, that you make estimates from time to time and from month to month, as to the probable amount of provisions you ought to have, and that all the account that is kept for is that these provisions are meted out by the Steward until they are all gone, and then a new and additional supply purchased and laid in and that used up as it is needed, and additional supplies then again purchased? Is not that about the way it is done?

A. I will tell you. I make an order for meat and that meat is expected to last so many days, and the beet is supplied in regular amounts, 700 pounds every two or three days. That comes as a general thing. Sometimes we change it. So far as the meat is concerned, I keep run of it. I do not wait until the meat is all gone, but lay in a new supply. I lay in about a given number of days' supply of it. Flour is received monthly; and beans we buy as we can get them at the right prices. Sometimes we will have lots of them. We do not pay the full market price for the beans. As an average we do not. If Eakin & Co., or any other person, are offering beans at less than the ruling prices, and can furnish them to the prison, I purchase beyond the immediate needs.

Q. What is the custom or way of buying with reference to yourself? Are the supplies used in your house, and the hospital and family of the Deputy Warden, taken from the prison supplies, or purchased separately and on private accounts?

A. I buy my groceries from Mr. Kern, a retail grocer. I buy some articles sometimes of Eakin & Co., and on private account.

Q. Is not this frequently done in the matter of purchasing supplies for the prison and for the Warden and Deputy Warden's household, that all the supplies are purchased from the same firm and delivered together at the prison, and the supplies for your family and the Deputy Warden's family then delivered over from the prison to the Warden and Deputy Warden?

A. No, sir; as a rule that is not true. It might occur once in a great while, but never occurred with my knowledge. Supplies are sent to our residences by separate delivery as a rule.

Q. Captain Howard, where are the guards of the prison boarded?

A. The guards have been boarded, until recently, at the Deputy Warden's. In September or October the Directors made an order that the Warden should, as early as practicable, establish a dining room and kitchen within the prison for the boarding of officers, and should reduce the charge from \$20 a month to \$4 per week, and it should be run on prison account, the proceeds to be accounted for in the prison business. Verbally the Warden promised to board them, but since the boarding arrangement within the prison could not be immediately affected, he would board the guards himself at \$4 per week until such arrangements could be made. The reason that arrangement was not perfected earlier than this was that it was necessary to move the laundry department to a place to be prepared for it in one of the shops, to make room for the kitchen and dining arrangements. Contractors going out of the prison vacated some shop room, and until recently the laundry department and clothing department could not be vacated and used for the purposes. In a few days the dining room and kitchen in the prison, that are now very nearly completed, will be completed and occupied as designed.

Q. Then since October last you have been boarding the guards yourself.

A. Yes, sir; I promised the Board to do that.

Q. How many guards have you been boarding since October last?

A. I do not know. Mrs. Howard keeps that account. Those that are single and boarding there are checked up and the money paid over to me.

Q. What contracts do you make with guards for services for the prison and for their board?

A. Where they board at the Warden's residence, or at the Deputy Warden's residence, that was deducted from their monthly salary when paid.

Q. Then with all guards you make a contract to pay them a stipulated sum a month for services, and then deduct from their pay \$4 per week for board.

A. Yes, sir; if they board under that arrangement, and we will continue to deduct that \$4 per week for boarding if they board in the dining-room in the prison.

Q. In drawing your checks upon the bank on the prison account, are they drawn from a book of checks, or are they drawn upon loose checks?

A. Sometimes they have been drawn from the book and sometimes loose checks.

Q. Have you the stubs of the checks drawn from the bank upon the bank account?

A. I have not all of them.

Q. Have you those stubs that have been drawn within the past month?

A. I expect I have, but I do not propose to exhibit my bank account. I propose to make a square settlement to the committee.

Q. Will you exhibit to this committee your bank account as Warden of this prison?

A. I have no bank account as Warden of the prison except as a mere matter of keeping funds separate for my own convenience. The law does not contemplate that a man shall, as an officer, keep his funds in bank.

Q. I understand you to say that you keep your own private account in bank separate and distinct from the account as Warden.



A. Yes, sir; I do not keep any private bank account. I do not have much. I do not know that I have had any money for months to my own private account. I have not had any bank-book. If I deposited money it was to pay some particular thing. The fact of the business is that what private funds I have I use about as fast as I get it, and if I want to lay any away I put it in the safe.

Q. The committee has no desire to inquire into or to examine your private bank account, but does desire to examine the bank account kept by you as Warden of the prison, for the purpose of learning if the funds, shown by your books and by your statement to be now on hand, belonging to the prison, are in the bank to the credit of the prison account, and in the safe. And with this explanation the committee now asks that you accompany the members now conducting this investigation to the Citizens' National Bank, and, with you, examine your account as Warden. Will you accompany the committee for that purpose.

A. I want to state to the committee that I regard the account that I have there is of the nature of a private account. The name "Warden" is simply used, as I have explained, and I do not propose that the committee shall go into a matter that is simply a form of doing business. I propose to send a check and bring that money here, and I regard that as being all the law requires—that this committee investigation is to make me settle and show up my business.

Q. Then the committee understand that you decline to accompany them to the bank for the purpose of investigating your bank account as Warden of this prison.

A. Yes, sir; but in lieu of that, to exhibit the cash.

Q. We have examined the cash in the safe. By your showing there ought to be to the credit of the prison in the bank, \$7,162.27. We desire to visit the bank for the purpose of learning if that amount is now to the credit of the prison upon the books of that bank, and prefer to make such an examination of the books of the bank than to have you bring the money to the prison.

A. I would like to ask by what rule of law the committee can claim to investigate my bank account when that account is not known as the State's or prison's business.

Q. The committee will say that they understand that it is the duty of the Warden to have funds belonging to the State, on prison account or not, on hand. When did you receive the last money from the State Treasury on prison accounts?

A. I will have to refer that to the Clerk when he comes in.

Q. Was this money, this \$7,000 and odd dollars that we have just counted, delivered to you on your check?

A. Yes, sir.

Q. Signed by you?

A. Yes, sir.

Q. Anybody else?

A. No, sir.

Q. Did you give your note to the bank?

A. No, sir.

Q. You did owe the bank some small sums.

A. Yes, sir; I owed them when I came to the prison. They were security debts.

Q. You may state, Captain Howard, whether you had any arrangement with the cashier, president, or any other officers of the bank, that this money was to be withdrawn from the bank and then replaced.

A. No, sir.

Q. You did not expect to return this money to the bank from which you got it to-day.

A. No, sir; I did not need to do it. I have no understanding with the cashier or that bank in the world, either directly or indirectly.

Q. Who went to the bank after this money?

A. Mr. Allen.

Q. Did you send any other word to the bank with Mr. Allen except your check?

A. No, sir. I told him that I wanted him to take his wagon and go to the bank and collect a check for over \$7,000 and bring it here as quick as possible. He took Mr. Ballou with him because that was a considerable amount of money, I understand.

Q. When have you been to that bank yourself, last?

A. I have not been there for two months, personally.

Q. Have you seen within the last two weeks, or written, or verbally communicated with reference to this financial transaction?

A. No, sir. I have not communicated with Mr. McAdams in any way in the world.

Q. Or with any officer of the bank?

A. No, sir.

Q. Have you any stock in that National Bank?

A. No, sir; am not able to own any.

Q. Are any of the officers of the bank any relations of yours?

A. No, sir.

Q. You may state whether or not this check that you have issued on which this money was drawn this morning, overdrew your bank account or not.

A. No, sir; it underdrew it. I suppose there may be a check out that is not yet presented. I will say this, that there is more money there than that amount. I have not had time to look the matter up.

Q. If you do not keep a record of your checks, either from not having a regular check-book with stubs or from having a bank-book, how do you know what the present state of your bank account in that bank is?

A. I had Mr. Allen go up there and inquire this morning.

Q. When did you make the last deposit in the bank?

A. I made the last deposit yesterday or the day before.

Q. You say that you deposited yesterday or the day before.

A. I believe I deposited some time this week a collection from the convict contract. I believe it was \$3,100 and some odd dollars.

Q. When did you make the last deposit before that?

A. Well, I deposited this month two or three checks—two small checks and a \$2,000 check.

Q. Where is your bank-book in which are noted the deposits made by you.

A. The deposits are not noted in that book for this month.

Q. Do you not keep a bank-book in which some one of the bank officers or some person notes the date and amount of the deposits at the time?

A. Not always. I send a check up there for deposit at any time by anybody that is going up. That is, by Mr. Allen or the Clerk. I do not check my business on my bank account. When I want to know how I stand financially, I find out how much money I ought to have, and see whether I have got it in the safe or in the bank. That is, how much I ought to have on the books.

Q. We are then to understand that you neither keep in your books an account with the bank of money deposited, nor do you keep a bank-book in which the deposits with the bank are noted at the time.

A. When I settle with the bank, they put it on the books.

Q. When did you have the last settlement with the bank?

A. I do not remember.

Q. About how long ago?

A. Some time last month.

Q. Have you that settlement with the bank in any book, or in any shape?

A. Only in a memorandum or pass-book. I suppose I could find it among the papers here.

Q. Will you produce that book for the examination by the committee?

A. I decline to do so. The responsibility for the funds is mine. There is no law authorizing deposits in banks, and the only settlement that can be made by the Warden is to require him to show up the amount of money that the Clerk has him charged with on the books. No person can get a credit for a payment of an indebtedness to the State on prison account, except as entered on the Clerk's books. This is the fact, gentlemen; this is the law.

Q. Is there any other reason or explanation to make to the committee as to why you decline to furnish the committee your bank-books, nor permit them to investigate your account as Warden with the Citizens' National Bank of Jeffersonville?

A. I do not think there is.

Q. Do the books of the prison contain any account kept with you personally?

A. No, sir. The Warden is responsible for all the funds that are collected on prison account—responsible for all notes that the accounts of the prison show.

Q. Do you or the Clerk of the prison keep any daily journal or blotter in which can be found the daily expenditures and payments from the prison fund?

A. The Clerk keeps a blotter of convict cash, and a blotter, I believe, of library expenditures and receipts, and he keeps said memoranda on receipts and papers.

Q. Captain Howard, will you state what items enter into the fund which is comprised under the head of the slip you gave the chairman this morning on general cash?

A. General cash is the cash of the business proper, that is, all prison business. Library fund is a special account.

Q. Captain Howard, will you kindly furnish us with the book containing the account kept by the prison with the contractors, showing their payments and the amount of their indebtedness to the prison?

A. Yes, sir.

Q. Please state their names and amounts.

A. Thomas Gaff and Perrin & Gaff Manufacturing Co.

Q. Has Thomas Gaff a contract?

A. Yes, sir.

Q. For what?

A. For one hundred convicts, and he is assignee for Frank L. Perrin and Samuel H. Perrin, lessees of one hundred men each, and a contract for one hundred men for himself.

Q. How much does this Thomas Gaff owe the prison?

A. He owes it about \$9,000. He and the Gaff Manufacturing Company owe that together.

Q. On how old a debt?

A. For a few months.

Q. Have they a solvent bond behind them?

A. Yes, sir; they are all rich themselves.

Q. Did you not compel them to make settlement monthly?

A. The three separate contracts alluded to were operated in the prison by the Perrin & Gaff Manufacturing Company, of which company all the lessees were parties in the interest. One of the contracts closed November 1, another December 1, and one January 15. When the contract was originally made in 1876 with these parties, they were unable to conclude it without agreeing to build a temporary building. It was necessary in the placing of their business in the prison. They afterwards furnished the brick to make a permanent building, with an understanding that they might make claim for the same, as being a just claim against the State, by application to the Legislature. I forget the amount of that. And subsequently, one of the frame buildings in which part of their business was placed was consumed by fire. There were no funds with which to replace it. It was material to the carrying on of their business. And subsequently another building was consumed by fire, occupied by them and necessary in the carrying on of their business in the prison, aggregating an outlay on their part of very nearly \$7,000. These buildings were rebuilt by the contractors with the understanding that they would lay claim against the State, and so far as the prison management was concerned would be recognized as fair and just, and its payment recommended.

Q. Was there a written contract entered into at that time for the construction of the buildings?

A. There was no written contract entered into. In the contracts it was agreed between them and the Directors that the State should furnish sufficient and suitable shop and yard room for the carrying on of their business in the prison, and at the time that they placed their business in the prison, or at the time of the contract, it was understood between the parties what shop and yard room they could be permitted to occupy. The State was unable to perform its part of the contract about the buildings in the first place, and then the buildings were rebuilt by the contractors (the buildings that were burnt) for want of sufficient shop room. They, the said contractors, represent that if they could be credited with their original outlay in the construction of these buildings, they would pay the balance due. I have not sued them on that contract, preferring to wait and see what action the Legislature takes. The

said amount was passed upon favorably by one or more of the committees of the House—in 1883 by one of the House committees, and in 1885 the claim was passed upon by the Claims Committee; inserted in the Specific Appropriation Bill, as I recollect, by the Committee on Ways and Means, and when the bill was up for consideration was argued at length, and the amount allowed the parties.

Q. Has there not been a large quantity of brick removed from the State property here within the last year, and put into other buildings in the city of Jeffersonville here?

A. No, sir.

Q. Have there not been some bricks taken out, hauled by the prison team away from the prison premises?

A. No, sir. No prison brick. I will state this: When Perrin & Gaff's contract was made, a brick shop used as a trip-hammer shop, that had been in a tumble down condition for years, and when the machinery was removed, that would scarcely stand to be taken down piece by piece, was torn down, and the lumber placed outside of the prison, and a large part of the brick—a greater portion of the brick—was used in repairing and remodeling shops inside the prison, by way of preparation for the business of the new contractors. So that is where the brick was laid.

Q. Do you then say that to your knowledge none of those brick have been removed from the prison premises and used by outside parties?

A. Not used by outside parties as far as I know. The brick that were taken outside for want of convenient grounds of the State, were placed in a vacant and unoccupied lot opposite the prison gate, and remain there now. I own that unoccupied property. Some of the brick were hauled back into the prison for use.

Q. The retiring contractors in taking out their machinery and movable effects made considerable brick waste, did they not?

A. I do not know how much. What they did with that I do not know. I expect that was hauled away somewhere else. A part of the lumber from the torn-down trip-hammer shop that was suitable to use in repairing and in alterations of buildings, was brought back into the prison from the State barn lot

and used for such purposes. The remainder is where it was placed. The heavy roofing timbers were placed in the same lot that the brick that were hauled outside were placed, and none of them have been used, sold or hauled away, with my knowledge, excepting such as were used by the State to replace rotten posts in the shop, and other repairs and alterations within the prison.

John, Horn, being duly sworn to testify to the truth, the whole truth and nothing but the truth, deposes as follows, to-wit:

Q. How often do the Directors examine the prison?

A. Monthly. Sometimes two months.

Q. When they examine the accounts, what do they examine?

A. We examine the invoice of merchandise.

Q. Are they all you examine about the books?

A. Yes, sir. We examine them and see whether they correspond with the Clerk's books, and allow the bills.

Q. Do you know whether the goods are received at the prison for which these accounts are rendered?

A. I do not.

Q. Have the Directors ever had any means of ascertaining whether the goods were received or not?

A. No, sir.

Q. Upon whom have you relied to know whether they have been received or not?

A. We rely on the honor and honesty of the officers here, and the honesty of the merchants.

Q. Do you know whether the Store-keeper ever checks off the bills as they come in?

A. I do not.

Q. Do you ever examine Captain Howard's accounts with the prison?

A. No, sir.

Q. Did you ever count his money to know whether he had the amount of money on hand?

A. I did not.



Q. Did you ever examine his bank account?

A. No, sir.

Q. Did you ever examine the accounts with the contractors or not, to see whether they have paid the amounts they are liable for?

A. No, sir.

Q. Do you know whether the contractors have paid to the Warden all they are liable to have to pay?

A. I do not. Sometimes, in conversation, Howard has told us that they were a month or two behind and would pay, and that they were more behind and are yet behind on account of their building.

Q. Have you ever examined the contract between Perrin & Gaff Manufacturing Company and the State, to ascertain whether the State was liable to them for the structure that they claim a bill against the State for?

A. No, sir.

Q. Do you know whether either of the other Directors ever did or not?

A. No, sir; I do not.

Q. Have you attended all the Board meetings?

A. I do not think I have missed.

Q. There was no such examination at any of such Board meetings that you have attended.

A. No, sir.

Q. Do you know why there has never been an individual account kept with Captain Howard, the Warden, between the Warden and the State?

A. I do not know why.

Q. Has there ever been anything received for the slops of the prison that you know of?

A. Not since I have been a Director.

Q. Has the prison ever had any hogs fattened from the slops of the prison?

A. As far as I understand, the hogs belong to Capt. Howard. I do not know that the State ever owned any hogs.

Q. Do you know whether the number of men who work for these contractors is always charged to them?

A. I do not. We never investigated the accounts between the Book-keeper and the contractors.

Q. Do you know why it is that the guards of the prison have not been paid since October; that is, why they have not received any monthly payment?

A. You can find in one of our minutes that we requested of the Warden that he should pay up more promptly. And why he has not done so, I do not know. We told him here lately (when we met the last time) that it was not right that they should not be paid promptly.

Q. Have the guards ever made complaint?

A. They have not made any complaint to us.

Q. Do you Directors know whether there are any debts that the State has contracted by the Warden or the Directors, that have not been paid?

A. I do not.

Q. Do you know that the State owes a butcher bill of nearly \$2,000?

A. Yes, sir; I was told so.

Q. Why is it that he has not settled with the butcher more promptly?

A. I do not know.

Q. Why did you not insist on it?

A. What more can we do? We have told him that it did not look well, and ought to be paid, and he says he is going to attend to it.

Q. When was that?

A. This was, I believe, at our last meeting.

Q. When was your last meeting?

A. In January.

Q. Do you know whether he owes Eakin & Co. anything or not?

A. I do not.

Q. Do you know anything about the contracts for flour?

A. No, sir.

Q. Nor contracts for the corn?

A. I do not know anything of the flour business, except that at the last meeting I requested him not to pay their price

at the present time; that he could have bought flour at about a quarter cheaper a barrel. The flour is as good as any made in the State, because I handle flour, and that is the reason why I know more about their prices than any one else.

Q. Do you know what they pay a barrel for their flour?

A. I do not.

Q. What have they been paying a barrel for flour for the past year?

A. It ranges from \$4.40 to \$4.60.

Q. Do you know anything about the coal that is furnished; how he buys that, and what price he pays for it?

A. All that I know about the coal is that they get it here by the loads, and by the slips that they send with the loads you can see how they get it. Every few days they get coal. Mr. McCann always sends a man with the loads.

Q. Is there any scale belonging to the prison upon which the coal is weighed?

A. There is a pair of scales across the street here where they weigh the coal. As far as the price of coal is concerned, that was always right. Whether they get the amount we are paying for I do not know.

Q. Do you know why it is that the coal is gotten in such small quantities?

A. I do not.

Q. Could you not buy it cheaper if it was bought all together?

A. I think so.

Q. Have the Directors ever made any examination as to how much cheaper they could procure these coal supplies for the prison by purchasing in large quantities?

A. I think we could save one cent to a cent and a half a bushel.

Q. My question is, have the Directors ever made any examination as a Board of Directors?

A. No, sir.

Q. Why is it, Mr. Horn, that there are no sheets on the beds in the old cells?

A. I do not know. I thought the beds were in good order. Whenever we get a complaint from any of the convicts we always examine into the matter and see whether the complaint was right or not. Several times they wanted new straw on their beds, and even more covering.

Q. Do you know that in the old cell-houses there is not a bed with any sheets on it?

A. No, sir.

Q. How long have you been a Director of this prison?

A. Since last session, two years ago.

Q. Have you ever examined any of the cell-houses in this prison since you have been a Director?

A. Yes, sir; we have been in several of the cell-houses.

Q. Did you go into the cells?

A. Yes, sir. We were in some last meeting when we were here, where we had complaints.

Q. Did you go into the cells that the guard pointed out to you, or select cells yourself?

A. Just where the prisoners complained.

Q. In what condition did you find the cells when you made your last visit there?

A. The last visit we made at the new cell house, and we found that clean and in good order.

Q. Did you ever count Captain Howard's money at any time since you have been a Director to see if he had the amount right?

A. No, sir.

Q. Do you know how the cash that comes in is kept?

A. I do not.

Q. Do you know what check the Clerk has upon the Warden for the amount of receipts, if any?

A. No, sir.

Q. Have you, or any of the Directors, to your knowledge, ever examined into the system of books kept by this prison?

A. No, sir.

Q. What do the Directors do when they meet to examine the condition of affairs?

A. We generally go through the whole prison to see whether any of the prisoners have any complaints against the officers.

Q. Do you go by yourselves or with an officer?

A. We three go together by ourselves, but with no other officer with us. Then we have them all to come up here and bring us their complaints. We generally have them in here one after another, and then we examine the bills of goods received here, to go through them and see whether they are correct; and we examine them and see whether they correspond with the Book-keeper's account in the books.

Q. You simply take the bills that are presented to you by the Warden and Clerk and find whether or not the total footing of them below is carried on the books. You have no information as to whether the goods were received at the prison or not; you have no means, as far as you know, of learning from any books kept in this prison, whether the goods have been delivered.

A. No, sir.

Q. Did you ever go to the persons from whom the goods are bought and ask them about the price and the qualities?

A. Well, seldom. I have been at Eakin & Co.'s and I have been at McCann's to see him, and I was at the gas office about the gas bill.

Q. When did you have the last meeting of the Directors?

A. In January. We did not meet last week—the other two did not come.

Q. How many Directors were here in January?

A. Two. Dr. Wilson and myself.

Q. How long were you in session?

A. One day and the next morning. Dr. Norvell could not come on account of sickness in his family.

Q. Did you ever, at any time, go into the dining room when the Warden was not expecting you, and examine the food and quantity of it, and kind?

A. We did.

Q. How often have you done so?

A. Well, the other two Directors do not come except at the meetings, and then, of course, they did not always know that we were coming; but I come in by myself, and go in and examine.

Q. How do you find the food when you drop in this way—compared with how it is when all the Directors are here?

A. About the same. I should judge that they should not complain about food here. They get enough of it, and what there is is substantial and is fit to eat. We always found it so.

Q. You say you went to Mr. Eakin at times. There are no contracts made to furnish food. Did you ever consider that matter in the Board as to whether you should contract?

A. Yes, sir; and we found we had better do it.

Q. When did you come to that conclusion?

A. Here lately. Furthermore, you know how it is. The other two Directors were not very anxious to go into this matter, because their term is about to expire, and on their account I did not push the matter much. They thought they would see first whether they would be elected, or whether some one else would come here.

Q. Mr. Horn, as a matter of fact, have not you and the Board depended almost solely on the officers here as to the conduct of the prison?

A. Yes, sir; that is generally the rule.

Q. Have you permitted the Warden to buy the supplies when, where and how he pleased?

A. Yes, sir.

Q. Do you know what system of account is kept in this prison of the daily receipts and expenditures by the prison?

A. We never investigated that.

Q. Mr. Horn, who passes upon the letting of contracts for prison labor, as to who shall have the prison labor? Who determines that?

A. The Directors.

Q. Are sealed bids put into the hands of the Board of Directors for this contract labor?

A. They were addressed to the Warden. Those contracts I helped to make last fall were addressed to the Warden.

Q. Were they opened when you came?

A. Yes, sir. But then I was up to Columbus that time, looking after this Patton & Co. We had no bid from them that time, and on account of the low bid we received from Perrin & Gaff, we determined not to make a contract with them, and we were not satisfied, and we had to go and look after the matter.

Q. Since you have been a Director of this prison, has there, at any time, with any of the contractors for prison labor, been any arrangement or understanding between any of said contractors and the Directors of this prison, or the Warden, or either of them, by which the contractors were to pay any other different sums for the contract labor than they specified in the contract finally entered into between the contractors and the Directors?

A. Not with my knowledge. No, sir.

Q. What investigation have you, or any of the Directors, made to your knowledge, as to the prices paid for convict labor?

A. We know the prices offered the Columbus Prison. We had prices here from Wisconsin Prison; we had prices from the Northern Prison, Indiana, and we found that the Columbus Prison got better prices than we did. Still, the prices are about the same. The sixty cents that we are getting is about as high as we can get.

Q. How do the prices at which you have let the convicts here compare with the prices received for the labor of convicts in the State of Wisconsin?

A. We are hardly getting as much as they get, but the difference is not very great.

Q. We find that as a part of the contracts made by the Directors with the contractors, that there is a stipulated amount of work required from the convicts. What, if any, investigation did the contractors make as to the amount of that labor required as compared with the labor of a free man?

A. The task they ask of the prisoner here is not as much as is done by free labor, not by considerable. The amount the contractor requires from the prisoner in this new contract is the same as they have at the New York Reformatory at Elmira.

Q. How much less is the task required than the product of the free labor?

A. I could not tell that now.

Q. My first question was, what investigation, if any, did the Directors make upon this subject, prior to the letting of contracts?

A. We took the amount of work they have to do in other places. Just as I said, for instance, the task of the Reformatory in New York. How much difference there is between free labor and that I could not say exactly.

Q. What investigation have the Directors made as to the probable profits to the contractors upon the several contracts made by the Directors in the prison?

A. I do not know whether we made any.

Q. Have you ever visited the Northern Prison?

A. No, sir.

Q. Do you know how the affairs are conducted in that prison?

A. I do not.

Q. Do you know what the convict's price for the prisoners in the Northern Prison is?

A. I do not know exactly now. I believe that they have got it over at the office.

Q. Can you give any explanation why the management of this Southern Prison is more expensive than the management of the Prison North; in other words, why the Prison North is self-sustaining, and the Prison South is not?

A. The Northern Prison, I think, was built later; they have better facilities; they have more ground; they have better shops; and, therefore, I think they can have better prices for labor. They have a large farm of several hundred acres, where they can raise much stuff.

Q. Do you know anything about the Warden of the prison being drunk at any time?

A. No, sir.

Q. Is he a sober man?

A. Always around here.



Q. Do you know of any abuses or mismanagement of the Warden of this prison at all?

A. I do not. I should judge that all misbehavior or bad treatment to the prisoner is always complained about to us. They always come to us and complain about it.

Q. Do you know of any cheating that he has done with the funds? Do you know anything about it?

A. I do not know anything about it.

Matthew I. Huett being first duly sworn to testify the truth, the whole truth and nothing but the truth, deposes as follows, to-wit:

Q. Are you the Clerk of the prison?

A. Yes, sir.

Q. How long have you been engaged in this capacity?

A. I think I came here in June, 1879. I was absent seven months in that time.

Q. Where do you live and what was your business prior to being engaged as Clerk in the prison?

A. I live in New Albany. For ten years and four months I was Clerk of the City of New Albany—from May, 1867, to September, 1877.

Q. Please describe in detail the system of book-keeping had by you and the officers of the prison.

A. The best that I know is that the books are there to see.

Q. Can not you tell us on paper, in a general way, what system of book-keeping is had here?

A. Well, I call my system more of a tabular system than anything else.

Q. What, if any, books do you keep showing the daily receipts and expenditures?

A. The receipts and expenditures that I have I make whenever I get any receipts; for instance, from convict labor, I put it on the labor book, which shows the amount of labor which is due from that company, and I report it to Captain Howard.

Q. Do you keep any daily cash-book?

A. No, sir. Just as I tell you there.

Q. Then you keep no book which shows all the daily receipts of cash.

A. No, sir. Only that general cash-book.

Q. Are the entries made in the general cash-book at the time of the receipts for labor?

A. No, sir. They are made prior to the meeting of the Board.

Q. They are made monthly?

A. Yes, sir; prior to the meeting of the Board. Captain Howard makes up that, or I make it up according to his instruction.

Q. Many of the receipts of money are taken by you, are they not?

A. Yes, sir, if you have reference to convict cash. I have that exclusively under my control, for I keep that as you see there for yourself.

Q. Outside of the receipts from convict labor, you make up the statements of the receipts as furnished by Captain Howard just before the meeting of the Board.

A. Yes, sir.

Q. Do you keep any book which shows the daily expenditure of money by the prison?

A. No, sir; I leave that to him, or take vouchers for them.

Q. When are the items of expenditure transferred from the vouchers or receipts on the books?

A. At the same time—at the end of the month, under the instructions of the Warden.

Q. So that the entries on books of the receipts and expenditures of money are made on a cash-book just before the meeting of the Board, and at no other times.

A. Yes, sir.

Q. Has the Board any specified day of the month upon which they meet here at the prison?

A. They generally aim to meet here on the second Tuesday of every month.

Q. So that you rely, in making up your cash-book, upon the vouchers and the statements made to you just before the meeting of the Directors.

A. Yes, sir. According to the instructions of Captain Howard.

Q. Has the Board of Directors met regularly every month?

A. The minutes will show that. I could not say as to that.

Q. Has the Board of Directors, to your knowledge, ever made any investigation of the system of book-keeping by the prison?

A. I do not know as to that.

Q. What system of checks, if any, have you upon the provisions or other material furnished to the prison?

A. None in the world. Never have had.

Q. Nothing in the books to show anything about the disposition of provisions and supplies.

A. No, sir.

Q. No record is kept of it.

A. No, sir.

Q. Are the bills presented to the prison monthly for supplies furnished?

A. Yes, sir.

Q. How do you determine when these bills are presented whether the material has been actually furnished to the prison?

A. I could not tell a thing about that.

Q. You enter the bills in the invoice book, do you not?

A. Yes, sir.

Q. How do you know that they are correct?

A. I do not know that they are correct.

Q. Have you any means of determining whether they are correct or not?

A. None in the world.

Q. Captain, how about this bill? The parties furnished supplies to the prison, then sent in a monthly statement of the amount furnished.

A. Yes, sir.

Q. Do they send any other statements except the monthly statement?

A. No, sir.

Q. Before these bills are paid, to whom are they referred to determine whether or not they are correct?

A. Captain Howard or Mr. Allen. I do not know whether they are in every instance. They look over the bills, and very frequently Captain Howard would call Mr. Allen in and have his statement as to the correctness of the bills, and ask even the details of the bills.

Q. Do you know whether Mr. Allen keeps any book or record of the supplies furnished to him as Store-keeper?

A. I do not.

Q. Have you ever known of any such book being kept?

A. I never saw one.

Q. Then, so far as you know, when Captain Allen is called in to determine whether or not the bills are correct, or whether the goods have been actually delivered, he relies upon his memory.

A. I could not say as to that.

Q. Do you know of any other means he has of determining whether the goods have been actually delivered to the prison than his memory?

A. I do not know. I only know what I would do in his place.

Q. Do you know of any other means he has than his memory?

A. No, sir. I know that if I should purchase the material there, and know what came in, I would know what went out.

Q. Could you remember for the month past all the various items or articles that were furnished to you in bulk, if you were Store-keeper?

A. I do not believe that I could. I am only speaking for myself. I do not think that I could do it.

Q. In making up your books, then, as to receipts and expenditures, you rely entirely upon statements made to you by the Warden and the Store-keeper at the end of each month.

A. Yes, sir.

Q. In the matter of receipts of money from visitors to the prison, what system of account is kept of such moneys?

A. At the end of the month I make a report to the Warden about what I receive.

Q. Who else receives money from that fund?

A. Well, Mr. Ballou has received money and turned it over to me, and I guess that is about the only one.

Q. Who has charge of the office in your absence?

A. Mr. Ballou, generally. I think.

Q. What position does Mr. Ballou hold?

A. He runs the good conduct part of the business here.

Q. When a visitor comes to the prison, you sell him a ticket.

A. Yes, sir.

Q. To whom does he present that ticket, and where is it placed?

A. It is given the man at the gate, and he deposits it there in a box.

Q. Who carries the key of the box?

A. It is in the office in there. I do not carry it and never did.

Q. Is any entry made on the book of the money received from visitors at the time?

A. No, sir. I generally put them on a slip of paper, and at the end of the month I turn it over to the Warden.

Q. Do you put it on a slip every time you receive anything, or do you rely entirely for your account of visitors upon the tickets that are taken out of the box?

A. I rely on both.

Q. Have the Warden and Mr. Ballou also access to the key of that box?

A. Just anybody has access to it.

Q. Are the tickets punched, or in any way marked when used?

A. No, sir.

Q. Are all persons except officials of the State charged an admission fee to the prison?

A. No, sir.

Q. What system, if any, have you of determining what persons shall pay an admission fee before entering the prison?

A. Oh, an inquiry is generally made; for instance, if a car load of persons were to come in and inquire for the Chaplain,

or any other officer, and state that they are friends of said official, they are passed, and always have been.

Q. Then when large numbers visit the prison at a time, they are generally admitted free.

A. Yes, sir; you had an illustration of that this morning.

Q. What, if any, account have you kept with the Warden personally?

A. I do not keep any account, because he has charge of all the money and is responsible for it.

Q. Have you any account with the Deputy Warden?

A. No, sir.

Q. Have you any account on the books with yourself?

A. No, sir. As you see by the pay-rolls, I draw my pay just the same as anybody else.

Q. Do you keep any account of supplies in separate account?

A. No, sir; never did.

Q. Do you keep any account with any of the contractors in the prison other than is kept on the time book?

A. Since I have come back this last time, for my own benefit I keep a ledger account to show, supposing Captain Howard should ask me what month any of these contractors owe for, I could turn to it and show him.

Q. Can you show us the book containing the accounts with the several contractors in the prison, by which we can readily see the amounts owing by each of the contractors to the State?

A. Yes, sir.

Q. Is this a private account kept for your own benefit instead of the system of the prison?

A. Yes, sir.

Q. Please tell us what each one of the contractors in the prison is now indebted to the State.

A. I can certainly give it. If he has received something that is not next to him, it is because I have not got it; but that is what has been received through my hands, and as shown by the other books of the prison: Frank L. Perrin, \$3,002.36; Thomas Gaff, \$6,074.43. My understanding of the law is that no one firm can hire more than one hundred men on the labor contract. Therefore, the account with the Perrin & Gaff Manu-

facturing Company was kept with F. L. Perrin, F. H. Perrin and T. Gaff, but they own their business and have not got it subdivided. They had it under the style of Perrin & Gaff Manufacturing Company, but it is only done on account of that law, as I understand it. Mr. Samuel Perrin's contract expired on the last day of November, and Gaff's contract expired on the 15th of January. Now, in making up this account from the labor book, as you see there, it is done in bulk, so that for the last day of October the account of the money due on the labor was divided between Frank Perrin and Thomas Gaff, leaving S. H. Perrin out. The account was divided between Frank Perrin and Thomas Gaff for the month of November. For the month of December the account was divided between Thomas Gaff and the Perrin & Gaff Manufacturing Company, for the reason that the company, as it originally existed, existed no longer. And from January 15th up to date it is Perrin & Gaff Manufacturing Company. That is, they are all out. Now, I have given you the account of Frank Perrin and Thomas Gaff. Now, I will give you the account of the Perrin & Gaff Manufacturing Company, \$227.04; P. M. Dennis, manufacturer saddle-trees, \$393.98. The Jeffersonville Boot and Shoe Company do not owe anything only what is up to this month.

Q. These others are your monthly statements up to the first day of January, I understand.

A. Yes, sir.

Q. Have these contractors been required to make monthly settlements and payments of the amount due from them to the State?

A. I could not say as to that.

Q. Would your books show whether or not?

A. The books will show the dates on which they were paid.

Q. Well, then, have they, as a matter of fact, paid up regularly every month?

A. Not to my knowledge.

Q. Have some of them run several months without paying?

A. I would not say that they were permitted. I will say that they fully paid. That is, I am speaking of what I know.

Q. Have you any book that will show the purchases that have been made lately on account of the library?

A. Only what is in that small book now. I can give you the vouchers.

Q. Have you any book account to show?

A. Yes, sir; they are in that small book.

Q. Can you get them now? Is it in the office?

A. Captain Howard has it; it is in the safe.

Q. Have you any means of knowing that the number of men who are employed daily by the contractors is correctly reported to you?

A. No, sir: I have no means whatever.

Q. From what do you get your statement of the number of convicts employed by the various contractors?

A. I make that up every morning from reports made to me by the different guards who supervise the works of these shops.

Q. About what per cent. of the convicts in the prison are not employed by contract labor?

A. I should judge about twenty to twenty-five per cent.

Q. When did the Perrin & Gaff Manufacturing Company contract expire—the firm that owes the \$6,000.

A. Frank L. Perrin's contract expired on the 1st of November and T. Gaff's contract expired on the 15th day of November last.

Q. Why has not that money been paid in?

A. My understanding is this: Of course I am only telling now what I have heard. The reason that they are back in their accounts is owing to the fact that some six or seven years ago they erected a building inside of the prison, and they claim that the cost of that building to them was something like \$6,900, and the matter has been before the Legislature on two different sessions, and it seems that they never could get their claim passed upon. And I understand that it is now the object to withhold so much as the building cost out of this convict labor.

Q. Do you keep any separate account with the parties furnishing supplies to the prison, to which you can readily turn and determine the amount due said persons?

A. No, sir; I can not, only where the accounts last audited. After the accounts are audited I put it down and know what is



due them, but I do not do so until the account has been audited, but so far all the audited accounts have been paid.

Q. When were the accounts last audited?

A. For the month of December.

Q. Did the Board meet in January?

A. No, sir.

Q. Have the Board met since December?

A. Yes, sir. That is, they have not met since the December audit.

Q. Then, I understand, that you do not keep any ledger account in the prison with any of the parties furnishing supplies to the prison.

A. No, sir.

Q. Have you been at work in making out a statement of the several accounts due from the State to the persons who have furnished supplies to the prison?

A. Of course, you know as well as anybody else, that when an account is audited and is not actually paid, and if you transfer it from the cash-book into the ledger, of course the ledger shows the account as having been paid, and when in reality it is not paid—that would be a spurious entry. For that reason I keep the accounts there on my own private account.

Q. Then, I understand that you keep no ledger account in the prison books with the persons furnishing supplies.

A. No, sir.

Q. Has it ever been suggested to you by the Warden, or the Directors, that you should keep a ledger account in the prison books with the persons who furnish supplies to the prison?

A. No, sir.

Q. Do you ever deposit money in the bank on account of the prison?

A. When Captain Howard sends me with it, I do.

Q. In whose name are the prison funds deposited?

A. A. J. Howard, Warden.

Q. Does the Warden, to your knowledge, keep a memorandum or pass book in which the deposits are entered by the bank at the time?

A. I think he does.

**Q.** Do you keep any account in the prison books of the money deposited in bank?

**A.** No, sir, I do not. I do not know that he always deposits in bank.

**Q.** Do you, in the prison books, keep any account of the supplies of clothing or material furnished?

**A.** No, sir. I court investigation on the convict cash account, over which account I have exclusive control.

**Q.** You receive all that money, do you?

**A.** Well, just about the way I received it to-day. For instance, we get overwork from the convict. Well, of course, I always notify him about it. That is, if you noticed those books over there, you will see what disposition is made of it.

**A.** Alben, being first duly sworn to testify the truth, the whole truth and nothing but the truth, deposes as follows, to-wit:

I am guard of the tailor shops. I receive the supplies from Allen, such as shirting, muslin, ticking, thread, needles, etc. I give Allen no voucher. I make an entry of all goods received. I do not know whether these statements I make are the same as the purchases. I only measure some things. The goods are brought by Allen on the prison wagon. I simply enter the goods I receive. I do not know whether the merchant charges more or less in quantity of the goods I get. I merely charge what comes into my hands, and I do not know whether the accounts of the merchants correspond with my accounts or not. Huett has called upon me to compare my receipts with the bills. I have never made any monthly or yearly statement of the goods received by me. The prisoners have two full suits a year, except a coat, but we have to furnish them with goods other prisoners have worn and been discharged. A coat is expected to wear five to six years. The guards examine the ticks and sheets to tell when they need washing. The ticks are washed every five or six weeks, the sheets are washed every two weeks.

**L. F. Cain**, being first duly sworn to testify the truth, the whole truth and nothing but the truth, deposes as follows, to-wit:

Q. State your name, age, residence and occupation.

A. L. F. Cain, Salem, Ind ; age, thirty years ; occupation, minister of the Gospel.

Q. Were you ever in any way connected with the State Prison in Jeffersonville, Ind ?

A. I was elected Chaplain of the Southern Indiana Prison the 14th day of April, 1888, and resigned the 15th day of September, 1886. During the last six months of my administration I was Hospital Steward in connection with my other duties.

Q. This committee have been informed that you desire to make some statements in relation to the State Prison South. You may now proceed to make such statements.

A. I can not think of any better way than to refer to the Evening News. In the first place, I want to make this statement: I resigned my position as Chaplain of the Indiana State Prison South because I did not think that I was accomplishing any good, or but little good. The reason for this was that I was only given one hour out of each week to conduct religious services. The law placed in the hands of the Warden the power to exclude me from all shops, cells, and, in a word, from the entire prison. I do not know whether the committee ever investigated that fully, but that is the law there, and that was one reason for resigning. Another reason was because of the financial condition of the prison. As regards the food, it was always, I considered, of a good grade and sufficient in quantity, whatever may be said to the contrary, as far as the food is concerned. I often went down there and would eat down there. The food is better, ordinarily, than the average cheap restaurant or hotel in quantity and quality. As to the condition of the cells and beds, I examined them often. I found them in a worse condition last week than I ever saw them before. The reason why I can not tell, but such is the fact. I found the grounds in a bad condition because of their tearing down and other reasons. I think they could have been otherwise. As regards the statement in this paper that the beds were lousy, and such things as that, it never occurred during my administration and while I was connected with it in the capacity of moral instructor. I conducted Sunday-school the first two years of my administration very successfully. The Warden ordered me to suspend it, and I did so. That is the reason there is no Sunday-school.

Q. What reason did he give you for suspending Sunday-school?

A. The reason he gave me was that he thought through some of the teachers some opium had been smuggled into the prison. Some was found there, and they could not think of any way of its getting there except through the teachers. My teachers were among the best Christian men and women of Louisville, New Albany and Jeffersonville; and that was the only reason assigned me—was that opium had gotten in, and that it came in through the Sunday-school, and was given to the prisoners.

Q. Did you know, personally, that opium had been obtained by the prisoners?

A. I knew that it had been obtained, but I did not know how. I found opium on one or two of the prisoners, but I say under oath that I do not believe that it ever came through the Sunday-school by Christian men and women. I want to make this statement, too: I organized a night school. I offered my services to teach them once, twice, three times, or as often as they could have the time, through the week. There was no place where we could have the night school, the Warden said; and it was pretty nearly true, too, as there was no place to have it but in the cells, as there was no way of getting to and from the chapel at night, as they did not have a sufficient number of guards to go with so many. My services were tendered every month to the night school, if the men could be accommodated.

Q. Did you say that you did organize a night school?

A. I organized it. I will say this, too: that something near fifty of the men volunteered, out of nearly six hundred, to attend the school, but that the number decreased rather than increased. They gave as their reason that they were tired, and they wanted to rest at night—that when night came (and I presume it is so) that when night came they were tired, and needed the time for rest and sleep.

Q. In what way did you tender your services every month to teach the illiterates?

A. Well, I do not know that I ought to say every month; I do not know but I might say every week. I would say that I was ready to teach night school. I had the time, and noth-

ing else to do, and offered my services. I had a good many hours each day that I could give to that work had I had a place to teach the men. I make these statements because much had been said that the Chaplain had more work than he could do. It is not true of me, and is not true of the present Chaplain, because I have heard him tender his services in the same way. Another matter—I believe that the prisoner Donihue made his statement to you in regard to his crazy house experience. I was Hospital Steward at the time. The Warden said to the doctor and myself on that morning that Donihue was sent to the crazy house; that he did not send him because he was insane, but because he made so much noise in the cell-house, and that was the only place he could isolate him from the remainder of the prisoners; but the prisoner reported to me that he was kept there by the guard because he was insane. I examined him and pronounced him sane and he was released.

Q. What was the conduct of the prisoner Donihue in regard to the obedience of the rules of the prison?

A. Of course, Donihue is an obstinate, ignorant man; he is the worst man in that institution. If you want my reason, I can give it. One reason is, he stepped out of line in passing the hall that enters the chapel, and went to the library in my absence, and broke open the window over the door, and broke open the desk drawer and a trunk that was in the library room; said he was looking for tobacco. He came down and made the statement to his guard that that was the reason he was not at dinner. And he was refractory at almost all times. Of course, you could not expect all men to be good in a place of that kind, but he is the worst man in that prison. He told me with others, that when he escaped from the prison, about mention of which he made to you, that he went to a car in which four tramps were sleeping, thinking there was only one or two in the car. Said he was armed with, I believe, a coupling bar of the car, intending, if necessary, to kill the tramp to get citizens' clothes to escape. These are two reasons. But he said he felt four were too many for him.

Q. Was he outside the prison walls?

A. Yes, sir. He was always refractory in the sick call, and was troublesome, and had been reported a good many times.

But I want to say that I do not think the treatment given him was such as would cure him. I believe he is a monomaniac on that subject, and I do not believe that cruelty will conquer him. They have tried to compel him to submit, and I do not believe it will conquer.

Q. What was your observation of the punishment inflicted upon some of the convicts?

A. The severest punishment ever inflicted while I was there, to my knowledge, was having a man stand from three to four hours a day with his hands through the cell door handcuffed. They called that "hanging them up." Yet the prisoner's feet were on the ground. He stands with his hands out through the door. It allows him to lean against the door if he desires. He never stands with his hands up. They are on a level with his shoulders, handcuffed through the door. That was only done for fighting or escaping. That was the only offense for which they were hanged up in that manner—for fighting or escaping. The reason I make these statements is that there was a picture in the paper with a man with his hands up. Another statement I wish to make here in regard to myself. I do not know whether any statement was made to you in regard to it or not. I offer to make some statement in regard to my transaction with the convicts. I am willing that it should be investigated, and desire that it should be investigated from beginning to end. This paper says that I was a pardon broker between the convict and the Governor of the State, on my private account. I want to say that this is false. I received money at different times from prisoners to prepare petitions for them to the Governor. My reasons were many meritorious cases, and there are men who are too poor to employ attorneys, and, if I did not call attention to them, they had no friend to do it. I wish to cite you some cases, to show you the falsity of these remarks. One man, Walters, William Walters, I believe, hired me to defend him, assist in his defense, in his case at Bedford. I was a lawyer before I was a minister. He employed me to defend him for murder. Associate counsel, William Farrel and Moses Dunn, of Bedford. He was to pay me \$50. I paid all my expenses, hotel and traveling, and fought a case in which the man, every person was satisfied would hang, received a twenty-one years' sentence in the prison, for which service I never received a cent to this day. This statement I make

under oath. Again, I expended \$200 in cases for poor boys, in getting petitions and securing work for them after they were discharged from the prison, more than I ever received, part of the money my own, part my wife's. I offer to make that statement under oath, because such is the fact and I want it understood. I can give numerous other cases if it is necessary.

Q. What amount of money did you ever take from any prisoner at any time for the preparation of the petition to the Governor?

A. The greatest or highest amount I ever received was \$15 that took me from Jeffersonville to Indianapolis; from there to New Castle, in Henry County, and paid my expenses there two days; back to Indianapolis, and home. I made that trip three times, and turned the effects of George W. Goodwin into cash, depositing it in the First National Bank of Jeffersonville to his credit, as the bank will show, at a cost to me of nearly \$65, for which I received \$15, and he received his pardon. He never came to see me after he received his pardon.

Q. How many petitions for pardon did you prepare while you were Chaplain of the prison?

A. Well, I could not remember just now. I expect, though, that I prepared a dozen. I prepared a good many petitions, that is, I wrote them and gave them to their friends, and they were circulated by their friends, and many without any remuneration to me, or any expense save writing them. I expect I have written fifty petitions ready for signing, and sent them to some friends, if they had any.

Q. Did the Warden and Directors know that you were engaged in drawing petitions for the pardon of prisoners?

A. I suppose he did in some cases. The petition was simply a statement of the case for the friends of the prisoner to sign, making application to the Governor—not an application from me—for my name was not in the application at all, but just simply stating the case, and the man sent the paper to his friends to sign.

Q. Did you also receive money from the friends of the convicts?

A. No, sir; in no instance that I remember. I wish to explain that so that you will understand it. If a convict came

to me and asked me to write a petition for him, I would just simply write it, and my name would not appear in it.

Q. How many prisoners did you receive money from for these petitions?

A. Well, I could not tell. I do not remember. In the three years and a half I received money from, possibly, six to eight persons. I do not know that I did—could not tell exactly.

Q. Do you know what amount you received, all told?

A. I never received, all told, over, possibly, \$60 to \$65. Fifteen dollars was the highest.

Q. Did you ever receive any money from other sources?

A. No, sir; except to send to their friends or wives. That was always accounted for.

Q. Have you any other statement that you desire to make?

A. Unless it is this. I wish to make this statement: I had still three years in my last term there to serve when I resigned. My resignation was for the reason that I felt that the institution was rotten and corrupt, financially. So far as the treatment of the prisoners and the food is concerned, I make no complaint.

Q. What knowledge of the facts did you have to lead you to believe the institution was rotten and corrupt, financially?

A. Well, now, this answer may, of course, bring out some things that were given to me private. The Clerk and myself came into possession of the knowledge of nearly twenty thousand dollars' worth of accounts that we were reasonably sure were not paid, that were audited and reported to the Directors as paid. One instance: I bought a bill of books—medical books—by order of the Directors. The bill was made and presented to the Warden. In nearly a year after I was drawn upon twice through the bank for the money. One time after I resigned as Chaplain, I went to the prison and inquired why the bill was not paid. The Clerk reported that it was audited as having been paid nearly a year before. That led to the discovery of these things.

Q. What was the amount of that bill?

A. That was a bill of about forty dollars.



Q. What other accounts did you have knowledge of that were in that same condition?

A. I could not name the accounts. The Clerk gave them to me without writing them down—accounts that he was sure were in the same condition; and these accounts were reported to the Directors as paid, audited as paid, and the Directors informed me that they supposed they were paid. The books showed them as paid.

Q. When did they inform you of that?

A. Well, possibly three months ago. I wrote to Mr. Morton, the man from whom they bought the books.

Q. Did you have any conversation with the Directors three months ago in regard to this transaction?

A. Well, I just simply told them that the account was not paid.

Q. Did you ever, at any time, report to the Directors, or any other officials of the State, the knowledge you had as to these bills that were audited as paid and were not paid?

A. Never knew until only a few months ago of these bills. That was after my resignation, and that was on the 15th of September, and I never was at the Directors' meetings and have not seen a State officer at any time since until the Legislature convened. I intended, at that time, to present these facts to the Legislative Committees, which I have done to both Houses.

Q. Had you any knowledge, while you were Chaplain, that these bills were not paid?

A. No, sir; not beyond a supposition that, to me, was almost positive knowledge.

Q. Did you ever report your suppositions to the Directors at any time?

A. I did.

Q. To what Directors?

A. Well, to Dr. Wilson more particularly; but, as I say, I could not give him facts. The rumors I thought well founded, but I could not give direct evidence.

Q. Had you any conversation after that time with Dr. Wilson, to learn whether he had investigated these rumors and suppositions to learn whether they were true?

A. I believe I did, and I believe the Doctor told me that he could not find out anything but rumors.

Q. How long ago was it that you reported these matters to the Directors?

A. Well, I spoke to Dr. Wilson three or four months ago—since I resigned.

Q. When did you resign?

A. The 15th day of September last, and Dr. Wilson and I have lived in the same town since then. I am pastor of the Methodist Church in the same town that he lives in.

Q. Is he a member of your church?

A. No, sir; he is not a member of any church. No member of his family is a member of the church of which I am pastor.

Q. How did you come to learn these rumors that would lead you to the supposition about those bills?

A. Well, the air was full of rumors of that kind for a long time. It was when the committee was there two years ago.

Q. Did you speak to the Directors about these rumors that were floating about there?

A. Yes, sir; and I believe they investigated them as far as they could. They said they did it, and I believe they did.

Q. Did you ever know of any actual investigation that they made?

A. I know they told me on one occasion particularly, when their meeting was prolonged several days, that they were thoroughly overhauling the books, and it resulted in finding nothing.

Q. How long ago was that?

A. That was, I will say, eighteen months ago.

Q. Did you ever make any investigation of the books yourself?

A. No, sir. I never had any opportunity. I have seen the books some, but not to make any investigation.

Q. Did you know anything about the system of book-keeping?

A. No, sir; I did not. I am a practical book-keeper, but I could never make any system out of it. As far as I was concerned I saw no system of book-keeping.

Q. Did you ever have any conversation with the Directors as to the lack of system?

A. I did not. That was a good deal out of my line.

Q. When you discovered such a lack of system, did it not suggest itself to you that you should report it?

A. Well, it might have suggested itself to me, but it seemed the Warden always thought that it was his way of keeping books.

Q. Did you ever have any difficulty with the Warden or officials before resigning?

A. No, sir.

Q. Were you, as Chaplain of the prison, excluded from visiting the cells or shops?

A. I never was excluded at any time.

Q. Were you given to understand that you were not permitted to examine the cells?

A. O, no. I examined the cells. I would go to the cells when I desired when the men were in the shops. In fact I never asked permission or was refused permission to go to the cells.

Q. What condition did you find the cells in?

A. Well, I never found the cells in as filthy a condition as they were in last week.

Q. How much filthier did you find them last week?

A. I do not know. They seemed to be more disordered than they ever did before. The cells were usually kept by the prisoners in some kind of order—things in their places. Last week, the bed-clothing not only seemed to be soiled, but there was no regularity about the cells.

Q. How was the bed-clothing, as to cleanliness?

A. Well, I never regarded it as altogether first-class, but never saw it as filthy as it was last week. It is pretty hard to keep clothing clean with some men who work in the factory. There is a grading of the condition of the bed-clothing, owing to the position or the place where the men work.

Q. Have you had any conversation with the Warden, or any of the Directors, as to the statement that you were going to make to this committee?

A. I have never spoken to the Warden since I resigned, nor have I seen him. I said to the Directors, to-night, in a body, that I should make a statement in regard to the assertions in this article—that they were largely false. That is all. This statement of mine has been in my mind for sometime. That is, some of the substance of it.

Q. You say that the law puts it in the power of the Warden to virtually exclude you from the prison.

A. So the law is interpreted.

Q. In what particular way?

A. In the first place, the law is so interpreted by the Warden that his men are on contract, working by the hour; that if I took a few minutes of their time in conversation, that they have to make it up in over-work for their contractors. It applies to men under a contract. The Warden has said to me that I have no right to speak to a man outside of the Chapel without his permission.

Q. Were you in the habit of making suggestions to the Warden as to the better keeping of their cell?

A. I have often mentioned it to him.

Q. Was your advice ever acted upon?

A. No, sir.

Q. Did you instruct any of those illiterate prisoners on Sundays in common school studies?

A. No, sir. I visited them in the cells in the afternoon, but usually talked with them upon religious subjects—about the "International Sunday Leaves."

Q. For how long was the Sunday-school conducted after the beginning of your term as Chaplain?

A. I will say three years.

Q. What, in your opinion, was the result achieved by your Sunday-school efforts? Was it beneficial?

A. Yes, more beneficial than the church services.

Q. You found the prisoners interested in the lessons.

A. Yes, but one trouble I experienced was in getting competent teachers. My teachers were religious, but these men are intellectual and not religious. That was my greatest trouble, in getting teachers who were on a par with the prisoners in an intellectual point of view.

Q. Did you observe an inclination among the men to digress from the Sunday-school matter—the regular lessons—and talk about outside affairs?

A. Yes, sir; that was one of my troubles. That was a disadvantage under which I labored to get a teacher that could keep their minds on the lesson, and not divert the teacher's mind on something else. They were inclined to do that in a slick way. And yet, I believe it was conducive to good—the Sabbath-school services. And I resigned soon after the Sabbath-school was suspended.

Q. What were the habits of Warden Howard; sober, was he?

A. Well, that is a term that would have to be explained somewhat. I believe that Warden Howard was under the influence of whisky more or less the greater portion of his time, yet I never saw him when he could not transact his business reasonably fair.

Q. Did you ever know him to be intoxicated when the Directors were there?

A. Well, not to be in any way incapacitated for business.

Q. Did the Warden or Directors know that you ever received money from the prisoners for preparing petitions for the prisoners?

A. I never received a dollar from the prisoners but what I received it from the Clerk, and receipted for it on the books.

Q. But did the Warden or Directors ever have any information?

A. The Warden always had.

Q. How about the Directors?

A. Well, I do not know. I suppose they did. It was there before them, and they could have it.

Q. What are the habits of the Clerk?

A. They are regular.

Q. Was he appointed Clerk for Internal Revenue Collector?

A. Yes, sir.

Q. If there were school facilities there, is it your opinion that it would work to their advantage?

A. Yes, sir.

Q. Was the Clerk a Director previous to that?

A. No, sir. Dr. Hunter took him with him to the internal revenue office.

Q. What salary did they give Huett?

A. \$2,000.

Q. What salary did he get at the prison?

A. \$1,000.

Q. What were his reasons for going?

A. He gave me this reason: He lost one of his children at Lawrenceburg, and she was brought home to Jeffersonville and buried, which left him two girls, one of whom he thought was consumptive, and his wife claimed that she was very sickly, and the climate was bad for the health of his family, and that was his reason for leaving.

Q. Do you know whether the Clerk was in the habit of selling articles to the prisoners?

A. Yes, sir. He began selling to the prisoners, I think, about last June, shortly after his return to the prison.

Q. Do you know whether that was a part of the arrangement when he returned, that he was to have the privilege of selling articles to the prisoners?

A. I do not know.

Q. Who sold various articles to the prisoners before that time?

A. They were sold by one of the guards that was delegated for that purpose. I believe, however, that the guard in each shop purchases whatever articles any of the men need or desire, by an order upon the Clerk.

Q. From whom?

A. The prisoner gives an order to the Clerk in favor of the guard for the amount of money that is necessary to make the purchase. That was the order before. The Chaplain had that matter before I went there—always had, since the history of the prison, until I was elected Moral Instructor. He always had that, and the stationery, and the writing of letters.

Q. Was that regarded as a soft snap?

A. I believe that it was claimed to be a source of revenue, I never had that.

Q. Do you know whether the Directors knew that the Clerk was selling articles to the prisoners?

A. I do not know. I suppose they did. The articles of merchandise were in the Clerk's room.

Q. The library was in your care.

A. Yes, sir.

Q. Please tell us about that library; what means, if any, you had as to the supplying of books, and whether they were not second-hand or worn books in that library.

A. There were a good many second-hand books in the library. I bought a few dollars' worth of second-hand books because my means were limited. The Chaplain never handles a dollar of the library fund. If he buys books, the bills are made against the Warden, and the Warden pays for them. Never a dollar of the library fund comes in the hands of the Chaplain. He never has any means by which he can tell the amount of funds on hand. And I presume there were at least \$3,000 received as library funds while I was Chaplain, and I bought in all about \$225 worth of books. And that is the only portion of the library fund of which I have any knowledge of its disposition. The Moral Instructor could not buy a single book without an order from the Warden. It is not in his power.

Q. And the Warden gave you to understand that there was a limited fund.

A. Yes, sir. He gave me about that amount in all in three years.

Q. Do you know anything about the number of people that visit that prison from day to day?

A. I should say that the number would average the year round some place between ten and twenty. We have had as high as six hundred visitors in one day. The closing weeks of the exposition would bring us from three to six hundred visitors per day; but during the other portion of the year, the visitors are not so plentiful. They paid twenty-five cents a head for going through.

Q. Those six hundred paid twenty-five cents apiece.

A. Yes, sir. The reason I make this statement is that three thousand dollars were paid in. I would be willing to pay that as a minimum for the three years I was Chaplain.

Q. One thousand dollars a year?

A. Yes, sir. The books are distributed every two weeks. Each prisoner may have a book as often as he desires it by reporting to the Chaplain. I gave the prisoner a book if he wanted it three times a week; but the usual time for distributing books is every two weeks, so that there may be some system. There never was a time while I was Moral Instructor that I could not tell just exactly where every book in the library could be found.

Q. What record do you keep of determining the books there? Is there a catalogue of the books?

A. Each book is numbered. I had the blanks, stating that these were prison library books, and each book is numbered. The name is written on the outside of the paper cover. This little piece of paper is put on the back of the book.

Q. Is it not a fact that the only catalogue that was ever kept in that prison is simply a list of the names and numbers of the books?

A. No, sir; I prepared a catalogue just previous to my last annual report to the Directors, which was submitted to the Governor.

Q. Was that ever printed?

A. No, sir; it was in a blank book for that special purpose.

Q. In what way was that catalogue made?

A. It was made giving the name, number and author of the book.

Q. You did not classify the books according to subjects.

A. I gave the name and subject, or title.

Q. Did you classify according to authors?

A. I just simply classified according to the title of the book, and the number that was put upon that book and the author of the book.

Q. What means had the prisoners of knowing what books were in the library?

A. The only means they had were these: In distributing the books, about two dozen were taken in each load. We had a tray that would hold two dozen to two dozen and a half of books. The books are distributed in this manner, the tray always being full. When one book is given out another is taken



in its place. In giving to one man, you take the book he has. Each man has his choice out of that tray of books. He can send a request to the library if he knows of any book that is in there, and get it, unless some other man has it, or when it is returned. There ought to be a catalogue for each man, but there is not. This is the only catalogue.

Q. What sort of books were these second-hand books that you purchased?

A. These books were First, Second and Third Readers—largely school books—that had been exchanged for different books by the publisher.

James Keighlein, being duly sworn, says :

I have no positive knowledge of a note from the Southwestern Car Company to the Warden. When we stopped the contract with this firm they owed us about \$25,000. They went into bankruptcy soon after. We received about \$6,000 out of it. This was in 1873 or 1874. We closed up the contract on account of the large amount of money due us from the contractors. I was a Director of this prison from 1875 to 1879. My time expired before a final settlement was made to us by the assignee of this company. I do not remember whether the bondsmen went into bankruptcy or not. Capt. Howard was elected Warden in 1875 to fill out the unexpired term of Col. Schuyler, soon after my time as Director commenced. Col. Schuyler was very extravagant, and for that reason we made the change. There was a legislative committee of investigation to examine Col. Schuyler's accounts. Col. James B. Meirwether was the attorney of the Board in the matter of the Southwestern Car Company. I think that there were brick made during my term, by the convicts. We kept minutes of all our proceedings as a Board, and they are now on file at this prison. We did not have any system of check in use at that time. The books were regularly kept. I know Michael McCann of Jeffersonville. He is probably worth \$40,000 to \$50,000. I know Jonas G. Howard. He is a solvent man, and probably worth \$25,000. George Howard, I don't think, is worth much. We made our contracts for supplies for six months or a year at a time. I have purchased coal at Jeffersonville this winter. The average price of Pittsburg coal has been from 10 to 10½ cents. I have never heard of any complaints of the management.

Colonel Meirwether :

I am an attorney. When the Southwestern Car Company went into bankruptcy I made out their accounts, which were about \$25,000. They claimed that the men were not worked full time. The matter was before the Federal Court and the Judge allowed part of their claim ; also the attorney's fees and costs. I think that I paid over to the Warden \$6,000 by check. The money was paid to me by the Court as attorney. Judge Gresham made the claim a preferred one, and it was not paid pro rata.

This settled the claim, as the Judge decided that that was all due the State.

Memorandum of the check from Colonel Meirwether to the Warden, as above stated :

" May 29, 1879. First National Bank to A. J. Howard, Warden, \$6,000. Collected through Citizens' National Bank."

G. W. Cox, being duly sworn, says :

I have been employed as a guard for nearly two years ; I am from Ripley County ; I am not related to any of the prison officials. I receive \$55.00 per month, which is paid monthly ; we never draw ahead ; I have three months' pay due me ; I can get my money any time I wish. I am a shop guard now ; I was a wall guard about seven months ; no prisoner escaped while I was wall guard. The wooden wall is very unsafe ; I consider it a great temptation to prisoners to attempt to escape. I know of no ill treatment by contractors. I have to report at 6 A. M. ; we then unlock the convicts, have them wash, then take them to breakfast, then to work, back to dinner, then again to work, back to supper, and then to the cell-house, where we count the prisoners, and if all right, turn them over to the cell guards. The work in the shops is controlled by the contractors and the Warden. A great many of the convicts are given tasks ; some of them get through by 1 or 2 o'clock P. M. They can then work extra, which is paid to the convict at the regular contract price. The men in my shop can read after their task is completed. The convict can make any complaint to the guards. We try to settle the trouble. When in the cell-house the men can call the guard when they need anything. It is no violation of the rules, or offense, to call for relief.

L. E. Hefrom, being duly sworn, says :

I am from Daviess County, and have been employed as a guard for over two years. I was a shop guard eleven months. I am now a night guard and am not related to any of the officials of the prison. I am married and live outside. I received \$55 a month for day work and \$60 a month for night work. We are paid monthly. I can get money from the Warden whenever I ask for it. I received my October pay February 10th. Our pay is given us whenever we ask for it. I go on duty at 6 p. m., and remain on duty to 6 a. m. We make regular rounds to every cell. We sometimes have calls for relief and medicine from the convicts. We always comply with their request, if possible. The lights are put out at 9 p. m., at the tap of the bell. The prisoners are never hung up after night. I only know of one case where we hung up a convict after night. He was let down at 10 p. m. The convicts can call for the guards when they wish for relief. It is no breach of the rules to do so.

Charles Ribelin, being duly sworn, says :

I am from Washington County and have been here for a year and four months. I am at present night guard; I board with the Warden; I receive \$40 and board a month; there is kept back out of our pay two months' pay, by contract; there are about fifteen employes boarding at the Warden's since last October; if I was discharged I could get all my money due me; I know of no one who ever had any difficulty in getting all the money due them when quitting the service.

J. W. Kackley, being duly sworn, says :

I am from Knox County, and have been employed here for about seven months. I am unmarried and board with the Warden. My contract is for \$55 per month. I pay \$17.71 for board. I get \$37.29 and board a month. I am paid once a month. Two months' pay is kept back. I am a shop guard. There are eight or ten men boarding at the Warden's on the same terms.

W. T. Clark, being duly sworn, says :

I am from Crawford County, and have been employed here over five years. I am a shop guard and am married, living

outside. There is two months' pay held back. I can always get my pay when I ask for it. I know of no improvements that can be made in the management of the prison. I never saw any severe or unjust punishment. There has been no whipping since 1883. The convicts can make any complaint to the guards. They are given tasks as far as possible. After the task is completed they can read or work extra. In cases of unruly conduct in the shops, we fill out a printed blank which is filed with the Warden. The guards are not allowed to punish convicts. The convict can go to the Warden to explain his offenses.

Jonas H. Howard, Jr., being duly sworn, says :

I am from Clark County, and have been employed here over eleven years. I am a fourth cousin of the Warden. I have been principally employed as a shop guard. I am married and receive \$55 a month. I have never seen any unreasonable punishment. I have known of a convict being in a cage a week or more. They are placed up there for various offenses, viz: attempting to escape, etc. I think that the wooden wall is very unsafe; I think if there were a united attempt of the convicts to escape that they could succeed in doing so.

J. W. Clark, being duly sworn, says :

I am from Franklin County, and have been employed here for about four years. I board with the Warden. I am guard at the wagon gate. I received \$12.29 and board a month. I received my October pay, February 10th. I signed the pay-roll on that day. They keep two months' pay back. I am always asked by the Warden to come and get my money, generally once a month. When I asked for money from the Warden I got it.

Edward Brod, being duly sworn, says :

I am from Floyd County and have been employed here about two years. I am a night guard and married. I make regular rounds every 90 to 120 minutes to each cell. If a convict wishes to see me between rounds he taps at the cell door and I go and see what he wants. The convicts generally go to sleep and are quiet. In the cages they sometimes make considerable noise;

only the dangerous ones are placed in the solitary cells for a period of time, at the discretion of the Warden. There have been no recent offenses to occasion punishment to the cells (solitary); the convicts are not hung up at night. I receive \$60 a month. I was paid day before yesterday (February 10). They pay every month regular. I can always get my money when I ask for it.

George Hogarty, being duly sworn, testified as follows:

I live at No. 21 North East street, Indianapolis, Ind. Am a sawmaker by trade. Born in Lexington, Kentucky, in 1858; came to Indianapolis in 1864. Was in the Southern Prison for burglary eighteen (18) months; removed two (2) years ago last September; time for good behavior, two (2) months; sentenced from Johnson County; worked two (2) months in the shoe shop. Never received any abuses myself. Transferred to the tailoring department; stayed there eight (8) months; transferred to hospital by my statement that I was sick, on the suggestion of Dr. Sherrod. Sherrod said that Applegate killed the guard instead of Kennedy. Hospital poorly managed under Dr. Sherrod. When a man would come and say he was sick, he would feel his pulse and say: "*Damn you!* stand over there; there is nothing the matter with you." The Doctor brings in two tubs and gives the man *ipecac*, and has men to give them hot water, which produces vomiting; the Doctor threatens to send them up stairs for punishment; he would never excuse any of them, but would force them to work when unable. I have several times helped take care of men who were not able to work. If men did not work they were punished by taking away part of their good time, and by hanging up to the doors. I have heard of men hung up in the winter time when the weather was so cold that the men were nearly frozen. I never was hung up and only know this from hearsay. Dick Greer, deceased, was one of these man; I can't give any others. After Dr. Sherrod left, Dr. Jesse McClure succeeded him. When he would leave, the patients would be left in charge of two convict doctors, who would neglect the sick. I saw a man neglected by them and who died from their neglect. I also saw Miller, one of the convict doctors, kick patients, and other abuses. I was put out of the hospital on a charge of hiding a hatchet. When the Senate Committee came down two years ago, and Howard showed

them around, and everything was cleaned up and supplies were brought in, and after the committee went away they were taken out again. I only know this from heresay. I am not complaining of the food or treatment; I had the best of treatment as to food. I had a double blanket and straw cot. The cell house is heated by steam and a stove is in it. The room is cold sometimes of winter. My clothing was good. I had a pair of pants, woolen shirt and coat—a lined woolen coat. The prison is kept warm all over. David Roker, had the beans taken away in the presence of Bailey—a life convict. The beans were ———after. I have nothing to complain of my own treatment. I can't call the name of any man who was punished for making a statement before a Legislative Committee. Macy Warner was punished for making a statement before a Legislative Committee. He was all right till he made a statement, and then he was afterward punished often. Owen T. Bailey and Frank Meyers are pets. In one cell they get sheets and pillow-slips and in the old one they get none. I have no complaint to make of myself and don't know of anything except what I heard, except the treatment under Dr. Sherrod in hospital. There are patches on their pants. I had my tick filled just before the Legislative Committee came; my tick was filled once while I was there. I white-washed my own cell. I saw overwork in the shoe shop. The regulation on uppers of shoes is two hundred and sixty (260) ladies' uppers. The old cell house has no cuspidors. Men are put in there who are guards. Some guards are good and gentlemen. I was under Kenerlla, who was a night guard. They are allowed one ounce candle a week a piece, and if they indulge in loud talking or boisterous conduct they will not issue the candle. Capt. Craig boarded the guards; he charged \$5 a week and got food from the prison; I carried out some bread. I have seen them carry food several times to Craig's house from the prison. I only know that the guards said they paid \$5 a week. I have counted thirty-four (34) guards employed at the prison. No one asked me to come before the committee. I am independent in politics. None of my good time was taken off.

MR. CHAIRMAN—To your honorable committee I beg leave to make the following statement, in behalf of truth, justice and the State of Indiana :

As heretofore, every effort will be made with your committee to divert their attention from real facts that they should know to such facts only as will create the presumption in their minds that all is as it should be. Now, gentlemen, it is, perhaps, needless for me to remind you that there is an undercurrent in the management of prison affairs that is forcibly prevented from appearing on the surface. We are frequently reminded by our superiors that, should we complain, it would be only the worse for ourselves, as no one would believe us. The amount of falsehood and deception practiced is something wonderful. Committees have been imposed upon until investigation was baffled, and a lucid and comprehensive knowledge of prison affairs a thing practicably impossible.

I, who tell you this, am a prisoner, and know full well the measure of doubt and reluctance with which it will be received; but let me remind you that in almost every case where investigation has taken place, as in New York, New Jersey and Ohio, on direct or indirect complaints of prisoners, the things stated were not only verified as true, but proved to be a great deal worse than was claimed. No one is so foolish as to suppose that if there is anything crooked going on in the administration of the prison, that the officers would make it known of their own accord.

First. As remoteness lends difficulty, I will begin with the things that lie nearest, and they are some points contained in the prison report for the fiscal year ending October 31, 1886, that are obviously false and inaccurate, and deserve special notice. In that report the excess of expenditures over receipts is put down at only \$2,665.33. Now, in order to be able to make that showing, and bring the accounts as near as possible to a balance, the following method was resorted to:

For the last half of the year little or no money was paid out, the guards have received no pay, and persons furnishing supplies for the maintenance of the institution have been left unpaid, and thus an indebtedness of from \$12,000 to \$14,000 has been piled up, instead of only \$2,665.33, as claimed; but, as usual, expect to pay last year's expenses from this year's receipts. It is also embodied in the report that all officers are complimented, and with special reference to the labors of the Chaplain, who, in lieu of Sunday-school, devoted an hour each

Sabbath to instruction, and that the Moral Instructor, or Chaplain, says good results have attended his efforts toward instructing convicts on Sunday in the common school branches. This statement is false in every particular, and the veriest farce possible. If the Chaplain made this statement, or was privy to its being made, he must either be a fool or a fraud, as the facts will show. There is but one instance of the convicts being taken into the chapel for instruction. On the first Sunday of December last, about twenty-five or thirty of the most illiterate men were given about thirty (30) minutes' instruction in some simple exercises on the black-board, and this thirty-five days after the date of the report. From this, *this* single instance of less than thirty (30) minutes' duration, spring all the "good results" boasted of in the report. This would indicate that there was some wonderful undeveloped talent in these "illiterate" people, where so much good could be accomplished in so brief a space of time, and, too, that its effects be felt and known thirty-five days in advance of the event. This is prophecy in a double sense—the knowledge and effect of what is to be known preceded the cause, and the cause itself is left to be or not to be, as it may happen to be. Such cant and hypocrisy deserve the severest condemnation, as well as exposure, at the hands of the committee. The predecessor of the present Chaplain, in a measure, did the same thing. He organized a class of twenty-five colored pupils one evening in November, after 5 o'clock, taught the evening session, was at his home in time for supper, and then stated in the annual report that he had a flourishing school.

The Sunday-school was broken up and the missionaries excluded from the prison. The handling and care of the mail was taken from the Chaplain, and for a long time given over to a detective. Guards were permitted to read prisoners' letters at will, after they had passed inspection and delivered, and then to laugh and make sport of some poor wife, mother or sister, whose complaints of distress excited their mirth.

During the last national campaign, the candles intended for the prisoners, paid for by the State, were used by the Warden and his deputy, in front of their residence, to illuminate Democratic street parades, using as much as two boxes in a single evening on their front fences, and on arches erected for the



purpose. This was repeated several times. On the day following each one of these events it required the labor of two convicts a full half day to scrape the rundown candle grease from the fences. Previous to this there was made by convict labor in the employ of the State, 2,200 torch or lamp handles for campaign use. The material for these handles was purchased from contractors and charged to the State.

The Steward, or purchasing agent, is in the common habit, when fresh meat is delivered, of having the convict cook to select the most choice cuts to the amount of ten or fifteen pounds and roll it up in the butcher's tarpaulin and send it back outside. This man has grown to be quite well to do on a small salary. When the new cell-house was begun, there was on the prison brick yard, made with prison labor by a nominal contractor (now dead), over half a million bricks; where they went, and who received the pay for them may be of interest to the State.

The money received from visitors is yet a part of legislative enactment as a library fund for the use and benefit of the inmates of the institution; but I believe that it cannot be shown that 25 per cent. is applied to the purpose designed by law. During the fall of 1883, while the Louisville Exposition was in operation, no less than ten thousand persons passed through the prison; and by actual count have seen over four hundred persons pass through in one day. This instance of the Exposition period would yield a revenue of \$2,500. A few books have been bought, most of which are of no real worth, and was dead stock in the dealers' hands. Not a standard work has been added to the library in the last seven years, and but few volumes of that character are now in the collection. Such as are left, and have escaped being carried away, are in a mutilated condition. There are a few text-books scattered about the prison (all second hand when bought in), but whether they were of the original purchase or were substituted in place of it, is not known.

Contractors, contrary to law, are known to make presents to guards, and to Directors also, and sometimes of no small value. Persons employed and paid by the State are kept a good deal of their time working for private individuals. When material of any kind is bought to make repairs about the prison, a quan-

tity of it finds its way into private use. This does not fix the limit of such transactions, for it has been of frequent occurrence that material has been bought from contractors and charged to the State, and handed over to private parties, who are relatives of officers.

I desire, also, to mention to the committee that prisoners are compelled to wear the same clothing in winter as in summer, and an order is enforced compelling the purchase of underwear from prison officials at from 50 to 75 cents advance on cost, or do without, as the first order is supplemented with a second, forbidding any one from receiving such articles from friends outside.

The mail agent or postal clerk has been allowed to use the convicts' mail for advertising purposes for his own pecuniary advantage in sending out through the mails a written card, couched in language well calculated to deceive, and is nothing less than an imposition on the friends of prisoners. The annexed is an original copy.

Yours respectfully,

INDIANA STATE PRISON SOUTH, }  
February 14, 1887. }

*Hon. Oscar Trippet:*

SIR—In obedience to your request, I have the honor to submit the following exhibit of bills on file in Warden's office, and all claims against the prison of which I have any knowledge:

M. V. McCann.....	\$1,642 45
Payne & Ragsdale .....	786 25
E. C. Eakin & Co.....	1,474 81
Lewman Bros.....	673 82
Jeffersonville Gas Co.....	324 00
Perrin & Gaff .....	147 93
Sundry Newspapers (advertising labor to let) .....	185 32
George Willacy .....	30 80
O. F. Zimmerman.....	40 25
Meyers & Bro.....	45 12
Charles Nagle .....	25 00

J. H. Zinsmeister & Bro.....	\$34 05
L. Byland.....	151 50
Ed. J. Howard .....	156 42
Ahrens & Ott.....	74 80
George H. Frank.....	34 00
George Holzbog .....	33 70
J. H. Hodapp .....	178 65
P. Tracy.....	3 44
Oglesby & Dustin.....	65 50
B. T. Babbitt.....	38 99
Ohio Valley Telephone Co. ....	8 90
G. W. Baxter .....	6 80
A. M. Bloom (Louisville, Ky.).....	1,134 00
Salaries, November, 1886 .....	2,229 72
Salaries, December, 1886 .....	2,512 28
Salaries, January, 1887.....	2,528 47
Seymour Woolen Factory Co.....	2,987 15
<b>Total.....</b>	<b>\$17,553 17</b>

Any further information you may wish concerning the above accounts, will take pleasure in giving it.

Very respectfully,

MATTHEW I. HUETT,  
Clerk.

Senator Barrett moved that the report be adopted.

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman and Mr. President. Total, 81.

Those present and refusing to vote were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears and Winter. Total, 17.

The report was adopted.

On motion of Senator Urmston the roll was recalled, to show that those Senators refusing to vote were present and still refused to vote.

The report and evidence offered by the Committee on the Prison South was, on motion of Senator Bailey, ordered printed.

Senator Bailey made the following motion :

**MR. PRESIDENT :**

I move that Senators Ensley, Moon, Macy, Duncan of Tipton, Winter, Johnson, Harness, Shroyer, Kennedy, Drake, DeMotte, Dresser, all being present at the vote taken upon the adoption of the report of the Prison Committee of the Prison South, be marked as present and refusing to vote in favor of the adoption of said report.

The motion carried.

Senator Smith of Wells made the following report from the Committee on Phraseology on Senate Bills Nos. 27 and 68 :

**MR. PRESIDENT :**

Your Committee on Phraseology, to whom was referred Engrossed Substitute for Senate Bills Nos. 27 and 68, begs leave to report that your committee has examined the said bill, and recommends that the title as read stand for the title of said bill.

The report was concurred in.

Senate Bill No. 76 was read a second time, with the report of the committee thereon.

Senator Rahm moved that the report be concurred in.

The motion carried.

The bill was ordered engrossed.

Senate Bill No. 83 was read a second time, with the report of the committee thereon.

Report of the committee concurred in.

The bill was ordered engrossed.

Senate Bill No. 84 was read a second time, with the report of the committee thereon.

Report of the committee concurred in.

The bill was ordered engrossed.

Senate Bill No. 85 was read a second time, with report of the committee thereon.

Report of the committee concurred in.

The bill was ordered engrossed.

Senate Bill No. 90 was read a second time, with the majority and minority reports thereon.

The question being on the adoption of the majority report of the committee.

Senator Cox moved to amend by substituting the minority for the majority report.

Motion carried.

Senator Cox moved to adopt the minority report of the committee.

Motion carried.

On motion of Senator Cox, the bill was ordered engrossed.

Senate Bill No. 91 was read a second time, with the report of the committee thereon.

Senator Schloss moved to lay Senate Bill No. 91 on the table.

Motion carried.

Senate Bill No. 92 was read a second time, with the report of the committee thereon.

Senator McDonald moved to concur in the report.

Motion carried.

The bill was ordered engrossed.

Senate Bill No. 97 was read a second time, with the report of the committee thereon.

Senator Trippet moved to indefinitely postpone Senate Bill No. 97.

Senator Sellers moved to amend by laying Senate Bill No. 97, together with the report, on the table.

Carried.

Senator Fowler, from the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :

Your Joint Committee on Enrolled Bills would report that they have delivered to the Governor for his consideration Enrolled Senate Act No. 292.

Senate Bill No. 103 was read a second time, with the report of the committee thereon.

Senator Sellers moved that Senate Bill No. 103 be indefinitely postponed.

The motion carried.

Senate Bill No. 99 was taken up.

Senator Duncan of Brown moved that the report be concurred in.

Senator Fowler moved to amend the motion of Senator Duncan of Brown by indefinitely postponing the report of the committee thereon.

The ayes and noes were ordered and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Day, Fowler, French, Griffith, McClure, Mullinix, Peterson, Sellers, Mr. President. Total, 10.

Those voting in the negative were :

Senators Bailey, Barrett, Berry, Branaman, Bryant, Cox, Duncan of Brown, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McDonald, Rahm, Schloss, Shively, Smith of Wells, Tharp, Trippet, Urmston, Zimmerman. Total, 20.

Those present and refusing to vote were :

Senators Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Huston, Johnson, Kennedy, Macy, Moon. Total, 10.

The motion was lost.

The names of those Senators present and refusing to vote were recalled, and they still refused to answer to the call of their names.

Senator Rahm moved that when the Senate adjourn it adjourn until 10 o'clock to-morrow morning.

The motion carried.

The question recurring on the motion to concur in the report of the committee on Senate Bill No. 99.

The motion carried.

The bill was ordered engrossed.

Senator Sellers moved that the vote by which Senate Bill No. 61 passed the Senate be reconsidered.

Which lies over one day, under the rules.

Senate Bill No. 307 was read a second time, with the report of the committee thereon.

The report was concurred in.

Senator Day offered the following amendment to Senate Bill No. 307:

MR. PRESIDENT:

I move to amend Senate Bill No. 307 as follows:

In section 1, line 19, strike out the words, "the petition in writing," and insert the words, "a vote," in lieu thereof; and in lines 22 and 23 strike out the words, "and whenever such petition so subscribed is presented to such common council," and insert in lieu thereof, "and whenever such vote shall be in favor of such guaranty," and in line 29 strike out the words, "presentations of such petitions," and insert in lieu thereof, "such vote." In line 30 strike out the words, "such petition," and insert the word "vote," and strike out all of line 31.

Amendment adopted.

Senate Bill No. 307 was ordered engrossed as amended.

Senate Bill No. 104 was read a second time, with the report of the committee thereon.

Senator Bailey moved to indefinitely postpone Senate Bill No. 104.

Motion carried.

Senate Bill No. 107 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

Senate Bill No. 113 was read a second time, with the minority and majority reports of the committee thereon.

The question being on the motion to adopt the majority report.

Senator Logsdon moved to amend by substituting the minority for the majority report.

Senator Trippet offered the following Resolution No. 83:

WHEREAS, On the 24th day of February, 1887, the Senate passed Senate Bill No. 27, being an act to maintain political purity; and,

WHEREAS, Webster Dixon, Secretary of said Senate, acting in his official capacity, did make out and convey the following message to the House of Representatives, to-wit: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bill No. 27, a bill for an act to maintain political purity, etc., and the same is herewith transmitted to the House.

WEBSTER DIXON,  
Secretary of Senate.

AND, WHEREAS, the Door-keeper of the House of Representatives refused said Dixon, as aforesaid, admittance into said House under direction of the Speaker of said House, and said Secretary of the Senate was also informed that the House of Representatives would not hold any further communication with this Senate; therefore, be it,

*Resolved*, That the Senate learns with regret of the discourteous action of said House of Representatives, and it protests that said action of said House is unprecedented, unparliamentary



and unconstitutional; that it is obstructive of needful legislation; detrimental to the interest of the people and revolutionary in tendency.

Adopted.

Senator Bailey offered Resolution No. 84, as follows, and moved its adoption :

*Resolved*, That Frank Pritchett, Door-keeper of this Senate, be and is hereby authorized to employ such force, in addition to that already under his employ, as he may deem necessary to preserve order in the Senate, repel the attacks of any person or persons who may gather on the outside of this Chamber menacing a forcible invasion, and to disperse all disorderly mobs or persons who may threaten any unlawful interruption of the peaceful proceedings of this body; and that the employment of such additional help herein authorized shall terminate as soon as the emergency calling for their employment ceases, and that they each be so notified when placed by the Door-keeper upon his force: *Provided*, That the pay or per diem of such additional employes be hereafter fixed by resolution.

The resolution was adopted.

On motion of Senator Sellers the Senate adjourned.

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## FRIDAY MORNING.

FEBRUARY 25, 1887.

The Senate met in regular session at 10 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by Senator Smith of Wells.

On motion of Senator Shively the reading of the journal was dispensed with.

Senator Bailey offered the following Resolution No. 85:

MR. PRESIDENT:

WHEREAS, The Honorable Alexander C. Ayers, Judge of the Marion Circuit Court, has decided that no election could be

lawfully holden for Lieutenant-Governor of the State in November, 1886; and,

WHEREAS, Two of the Judges of the Supreme Court, the only members thereof delivering opinions upon the question, have decided the same point the same way; and,

WHEREAS, No joint convention of the two houses has ever been held at which the votes for Lieutenant-Governor, even if lawful, could be counted, canvassed or the result thereof declared; and,

WHEREAS, No joint assembly of the two houses has ever been held which could take any cognizance of a contest of the election for Lieutenant-Governor, even if there had been any election held; and,

WHEREAS, No court or judge has, at any time, expressed the opinion that an election for Lieutenant-Governor was lawfully holden in November, 1886, and the intentions of any person to such office are, therefore, unfounded and unsupported by any judicial opinion whatever; and,

WHEREAS, One of the Judges of the Supreme Court, the Honorable William E. Niblack, construing the Constitution of the State upon this subject, has said: "The controversy is one over which the courts have no jurisdiction, and over which no court can exercise the slightest control, and that the Senate has the unquestioned right to determine who is entitled to act as its presiding officer (Section 10, Article IV of the Constitution). When there is a contest as to which of two persons is entitled to preside over the Senate, the question becomes one which the Senate must decide"; and,

WHEREAS, Heretofore, on the 6th day of January, 1887, the Senate did elect to the Presidency thereof the Hon. Alonzo G. Smith, now acting as President of the Senate in the absence of the Lieutenant-Governor of the State, chosen at the general election in 1884; and,

WHEREAS, No Lieutenant-Governor could have been, or has been, elected since that time, or can be elected until 1888; and,

WHEREAS, The majority of this Senate has been, and is now, willing to submit the question of the election for Lieutenant-Governor, held in November, 1886, directly or indirectly, to

the Supreme Court, and allow them to decide it, and abide by their decision as arbitrators, if not as judges; and,

WHEREAS, The President of this body has twice attempted, unsuccessfully, to have the question determined, and no decision has been made against his rights as President of the Senate; therefore, be it

*Resolved*, That the majority of the Senate are willing to submit to the Supreme Court, as arbitrators, the question of the legality of the election held for Lieutenant-Governor in 1886; and

*Resolved, further*, That the Senate is, and has been, organized with said Alonzo G. Smith as President, constitutionally, regularly and lawfully, and that we proceed, in the speediest manner possible, to enact legislation needed for the interests and welfare of the State, in order that we may be ready, having performed all our duties as legislators, for adjournment at the end of the sixty-one days' period of the regular session.

Senator Bailey moved the adoption of the resolution.

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, Mr. President. Total, 30.

Those voting in the negative were none.

Those present and refusing to vote were:

Senators Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Macy, Marshall, Moon, Shroyer. Total, 13.

Adopted.

The President of the Senate ordered that the names of those Senators who were present and refusing to vote be called the second time, which was done, and they still persisted in their refusal to vote.

Senator Kennedy was granted a leave of absence for the day.

Senator Peterson was granted leave of absence for the morning.

Senator Sears was granted a leave of absence for the day.

Senator Thompson of Jasper was granted a leave of absence for the day.

Engrossed Senate Bill No. 286 was read a third time.

The question being, Shall the bill pass?

The roll being called resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, Mr. President. Total, 30.

Those voting in the negative were none.

Those present and refusing to vote were :

Senators Davis, DeMotte, Drake, Dresser, Campbell, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Winter. Total, 15.

So the bill passed.

The President of the Senate ordered that the names of those Senators who were present and refusing to vote be called the second time, which was done, and they still persisted in their refusal to vote.

The title to the bill as read was adopted as the title to the act.

Senator Barrett made the following motion :

MR. PRESIDENT :

I move to reconsider the vote by which Senate Bill No. 286 was passed.

Action on said motion being deferred by the rules.

House Bill No. 285 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

Senator Howard of St. Joseph, from the Committee on Swamp Lands, offered the following report on Senate Bill No. 77:

MR. PRESIDENT:

Your Committee on Swamp Lands, to whom was referred Senate Bill No. 77, with amendments offered by Senators Weir and Winter, with power to send for persons and papers, have had said bill and amendments under consideration, and after hearing all evidence adduced, do find as follows:

The committee find that the total cost of the Beaver Lake ditch, in Newton County, as paid by the State, was \$11,136.80. That the land benefited by this ditch, including the bed of Beaver Lake, amounts to not less than 48,000 acres—16,000 of which form the bed of the lake; one-half of the latter, in alternate blocks of 40 acres each, and being 8,000 acres in all, constitutes the land in controversy. The remaining half of the Beaver Lake bed has been sold by the State for \$8,500, and taxes have been received by the State on the half in controversy. The committee are of the opinion that any interest due the State on that part of the cost of the ditch chargeable to the Beaver Lake land, should be offered against interest accruing to the State from the amount received for the lands sold by the State, and taxes received by the State on the lands in controversy.

The lands in controversy being about one-sixth of all the lands benefited by the ditch, should, therefore, in the opinion of your committee, bear one-sixth of the expenses of said ditch, or \$1,857, besides expenses connected with the suits in regard to the lands, as follows:

Six briefs at \$15.....	\$90 00
Expenses of Attorney-General to Kentland .....	11 00
Expenses of Attorney J. B. Julian .....	32 00
Besides fees that should be paid Attorney-General...	90 00
Attorney D. L. Bishop .....	100 00
Fees and other expenses due, and not paid J. B. Julian	467 80

Making total expenses of State which should be charged against the 8,000 acres of lands in controversy..... \$2,647 80  
 Or about 38½ cents per acre.

The bill itself provides that 37½ cents shall be paid per acre. The amendment offered by Senator Winter provides that the price per acre shall be sufficient to reimburse the State for its expenses in relation to those lands. The committee is of opinion that 37½ cents per acre will more than accomplish this end, and therefore recommend that the bill be passed as originally drawn.

The committee are of opinion that the amendment offered by Senator Weir should be introduced in the form of a distinct bill. The committee submits herewith the evidence taken in accordance with the order of the Senate.

Respectfully submitted,

T. E. HOWARD,  
 JNO. T. DAY,  
 W. W. BERRY,  
 D. McCLURE.

Senator Sellers moved that Senate Bill No. 77, and the report of the committee thereon, be indefinitely postponed.

Senator Fowler moved that Senator Sellers's motion be laid on the table.

Senator Logsdon moved, as a substitute, that the bill be referred to the Committee on Judiciary.

The motion was lost.

The question recurring on the motion of Senator Fowler.

The motion was lost.

The question recurring on Senator Sellers's motion.

The motion was lost.

Senate Bill No. 326 was read a second time, with the report of the committee thereon.

The report was concurred in.

The bill was ordered engrossed.

Senate Bill No. 205 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

Senator Howard of Decatur introduced Senate Bill No. 331, entitled :

An act to provide for security for costs in cases brought for divorce, and defining the duties of courts in reference thereto.

Read first time and referred to Committee on Judiciary.

Senator Rahm announced that Minister Rufus Magee, to Norway and Sweden, was on the floor of the Senate.

The President of the Senate appointed Senators Fowler and Howard of Decatur, a committee to escort Minister Magee to the President's stand, and announced that the Senate would take a recess of ten minutes in honor of Minister Magee's presence.

Hon. Rufus Magee was conducted to the President's stand, where he addressed the Senate in his happy and interesting manner. After which the Senate again resumed business.

Senate Bill No. 169 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

Senate Bill No. 157 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

Senate Bill No. 58 was read a third time.

The question being, Shall the bill pass?

The roll being called resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Zimmerman, and Mr. President. Total, 27.

Those voting in the negative, none.

Those present and refusing to vote were:

Senators Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Johnson, Macy, Moon, Winter. Total, 11.

So the bill passed.

The President of the Senate ordered that the names of those Senators who were present and refusing to vote be called the second time, which was done, and they still persisted in their refusal to vote.

The title to the bill as read was adopted as the title to the act.

Senate Bill No. 306 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

Senate Bill No. 160 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.



Senator Bailey offered the following amendment to Senate Bill No. 160 :

MR. PRESIDENT :

I move to amend Senate Bill No. 160 by inserting the words, "if the address of such person or persons be known to said Clerk," after the words, "by mail," in line 18.

Amendment adopted.

The bill was ordered engrossed as amended.

Senate Bill No. 267 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

Senate Bill No. 47 was read a third time.

The question being, Shall the bill pass ?

The roll being called resulted as follows :

Those voting in the affirmative were :

Senators Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Moon, Mullinix, Peterson, Rahm, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, Mr. President. Total, 29.

Those voting in the negative were none.

Those present and refusing to vote were :

Senators Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Huston, Johnson, Macy, Marshall, Shroyer. Total, 12.

So the bill passed.

The President of the Senate ordered that the names of those Senators who were present and refusing to vote be called the second time, which was done, and they still persisted in their refusal to vote.

The following message was received from the Governor:

*To the Honorable, the President of the Senate:*

By the direction of the Governor, I have the honor to inform the Senate that he has received and approved Senate Enrolled Act No. 292, and has caused the same to be filed in the office of Secretary of State.

PIERRE GRAY,  
Private Secretary.

On motion of Senator Sellers, the title of Senate Bill No. 47 was referred to the Committee on Phraseology.

House Bill No. 807 was read a third time.

The question being, Shall the bill pass?

The roll being called, resulted as follows:

Those voting in the affirmative were:

Senators Bailey, Barrett, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Trippet, Urmston, Zimmerman, Mr. President. Total, 28.

Voting in the negative—Senator Berry.

Those present and refusing to vote were:

Senators Davis, DeMotte, Drake, Drässer, Duncan of Tipton, Ensley, Harness, Johnson, Macy, Moon. Total, 10.

So the bill passed.

The title to the bill was referred to the Committee on Phraseology.

Senator Thompson of Marion, from the Committee on Cities and Towns, made the following report on Senate Bill No. 329:

MR. PRESIDENT:

Your Committee on Cities and Towns, to whom was referred Senate Bill No. 329, begs leave to report that they have had the same under consideration, and recommend that the bill do pass.

Also, on Engrossed House Bill No. 7:

MR. PRESIDENT:

Your Committee on Cities, to whom was referred Engrossed House Bill No. 7, begs to report that they have had the same under consideration, and recommends that section 1 of said bill be amended by striking out the word "and" in line 1, on page 3 of said bill, and inserting after the word "paved" in said line the words "graveled and macadamized;" also, by inserting after the word "refuse" in line 4, on page 4 of said bill, the words "after having received five days' written notice;" also, amend section 6 of said bill by striking out the words "the same become due" in line 15, on page 15 of said bill, and by inserting in lieu thereof the following words, to-wit: "Any such bonds as hereinafter provided for shall be issued."

And, that when said bill is so amended, that the same do pass.

Senate Bill No. 158 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

Senator Sellers, at the request of Senator Weir, from the Committee on Claims, offered the following report on Senate Resolution No. 86:

MR. PRESIDENT:

Your Committee on Claims, to whom was referred Senate Resolution No. 86, introduced by Senator Sellers, has had the same under consideration, and directs me to report the same back to the Senate with the recommendation that it be passed.

Senator Sellers offered the following communication from the Principal Secretary of the Senate:

*To the Honorable Senate of Indiana:*

I, Webster Dixon, Principal Secretary of the Senate, respectfully report to the Senate that on the 25th day of February, 1887, I bore to the House of Representatives the following message, to-wit:

FEBRUARY 25, 1887.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bill No. 286, a bill for "an act authorizing a debt to be contracted on behalf of the State of Indiana, by making a loan of money to meet casual deficits in the revenues and to pay interest on the State debt, and declaring an emergency." And that I was denied admission by the Door-keeper of the House of Representatives, who informed me that he was directed by the House and the Speaker of the House, to deny admission to the Secretary of the Senate bearing official message from the Senate.

WEBSTER DIXON,  
Secretary of the Senate.

Senator Sellers moved that the above communication be spread of record on the journal.

Motion carried.

Senator Barrett offered the following communication from the Principal Secretary of the Senate :

*To the Honorable Senate of Indiana :*

I, Webster Dixon, Principal Secretary of the Senate, beg leave to inform the Senate that on this the 25th day of February, 1887, I appeared at the door of the House of Representatives of Indiana with the following message, to-wit :

FEBRUARY 25, 1887.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed Concurrent Resolution No. 13, relative to speedy legislation to provide money to carry on the business of the State, etc., and the same is herewith transmitted to the House for its action thereon.

WEBSTER DIXON,  
Secretary of the Senate.

That I was denied admission by the Principal Door-keeper of the House of Representatives, who informed me that he was instructed by the Speaker of the House of Representatives to

deny admission to the Secretary of the Senate bearing official messages from the Senate. That I then requested the said Door-keeper of the House of Representatives to bear to the Speaker of the House of Representatives and lay upon his table the following communication, to-wit :

FEBRUARY 25, 1887.

MR. SPEAKER, HON. WARREN G. SAYRE :

I, Webster Dixon, Secretary of the Senate, am in waiting at the door of your chamber with a message from the Senate of Indiana, and I respectfully request admission to communicate said message, and am denied admission by the Door-keeper of the House.

WEBSTER DIXON,  
Principal Secretary of the Senate.

That the same Door-keeper of the House persistently refused to bear the said communication to the Speaker of the House, and that I then returned to the Senate, and respectfully submit this my report of what transpired, for such action as the Senate may deem proper.

WEBSTER DIXON,  
Principal Secretary of the Senate.

Senator Barrett moved that the communication be spread of record on the journal.

The motion carried.

Senator Sellers moved that when the Senate adjourn it adjourn until next Monday morning at 10 o'clock.

The motion was lost.

Senator Bailey moved that when the Senate adjourn it adjourn until 2:30 o'clock P. M.

The motion carried.

On motion of Senator Mullinix the Senate adjourned.

## AFTERNOON SESSION.

FEBRUARY 25, 1887.

The Senate met pursuant to adjournment at 2:30 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Senate Bill No. 223 was read a third time.

Senator Fowler moved that Senate Bill No. 223 be amended by striking out the emergency section.

The motion carried.

Senator Fowler was appointed a special committee to amend Senate Bill No. 223.

Senator Fowler, from special committee on Senate Bill No. 223, reported that said bill had been amended according to instructions.

The report was concurred in.

The question being, Shall Senate Bill No. 223 pass?

The roll being called resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Duncan of Brown, Fowler, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Rahm, Peterson, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, Mr. President. Total, 27.

Voting in the negative:

Senator Sellers. Total, 1.

Those present and refusing to vote were:

Senators Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, and Winter. Total, 15.

So the bill passed.

The title to the bill was referred to the Committee on Phraeology.

Senator Tharp moved to refer Senate Bill No. 252 to the Committee on Judiciary.

The motion carried.

Senator Smith of Wells, from the Committee on Phraseology, made the following report on Senate Bill No. 307:

MR. PRESIDENT:

Your Committee on Phraseology, to whom was referred Senate Bill No. 307, have examined the same, and recommend that the title to the bill be amended to read as follows:

An act to amend section 1 of an act entitled an act authorizing public aid to corporations erecting bridges over streams forming a boundary of this State, approved March 5, 1881, and being section 3562, Revised Statutes, and declaring an emergency.

The report was concurred in.

Also, on Engrossed Senate Bill No. 42:

MR. PRESIDENT:

Your Committee on Phraseology, to whom was referred Engrossed Senate Bill No. 47, have examined the same, and recommend that the title of said bill stand as the title of the act.

The report was concurred in.

Senate Bill No. 10 was read a third time.

The question being, Shall the bill pass?

The roll being called, resulted as follows:

Those voting in the affirmative were:

Senators Barrett, Bryant, Cox, Day, Hale, Logsdon, McClure, Rahm, Shively, Thompson of Marion, Tharp, Trippet. Total, 12.

Those voting in the negative were:

Senators Andrew, Berry, Duncan of Brown, Fowler, Howard of St. Joseph, McDonald, Peterson, Smith of Wells, Urmoston, Zimmerman and Mr. President. Total, 11.

Those present and refusing to vote were :

Senators Campbell, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Macy, Moon, Shroyer and Winter. Total, 13.

So the bill failed to pass.

Senator Fowler offered the following communication from Webster Dixon, Principal Secretary of the Senate :

*To the Honorable Senate of Indiana :*

I, Webster Dixon, Secretary of the Senate, do hereby respectfully report to the Senate that on this day, the 25th day of February, 1887, I bore to the House of Representatives the following message, to-wit :

FEBRUARY 25, 1887.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bill No. 58, a bill for an act to prohibit County Auditors from drawing their warrants on County Treasurers in violation of law, and prescribing punishment for the violation thereof, and the same is herewith transmitted to the House.

WEBSTER DIXON,  
Secretary of the Senate.

That I was denied admission by the Door keeper of the House of Representatives, who informed me that he was instructed by the House of Representatives and the Speaker thereof, to deny admission to the Secretary of the Senate bearing official messages from the Senate.

WEBSTER DIXON,  
Secretary of the Senate.

On motion of Senator Fowler, the foregoing communication was ordered spread of record on the journal.

Senate Bill No. 213 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.



Senator Rahm offered amendment No. 1 to Senate Bill No. 213, as follows :

MR. PRESIDENT :

I move to amend Senate Bill No. 213, as follows: In section 2, line 2, strike out the word "may," and insert the word "shall." In section 4, line 9, strike out the word "will," and insert in lieu thereof the word "shall." Add to section 5, the following words: "When any birth shall occur with no physician or accoucher in attendance, then such birth shall be reported by the householder, when or under whose observation such birth may occur."

Adopted.

The bill was ordered engrossed.

Senate Bill No. 156 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

Senate Bill No. 172 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

Senate Bill No. 294 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

Senate Bill No. 211 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

Senate Bill No. 134 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

Senator Rahm introduced Senate Bill No. 832, entitled:

An act to amend an act entitled an act to amend section 2 of an act entitled an act to provide for the repair of free turnpike roads in the various counties of Indiana, and constituting the Board of County Commissioners of any county in this State a Board of Directors of such roads, approved April 18, 1881, being section 5105 of the Revised Statutes of Indiana, and adding additional sections thereto, authorizing the Board of Free Turnpike Directors of any county in this State to construct new turnpikes therein, and declaring an emergency.

Read first time and referred to Committee on Roads.

Enrolled House Bill No. 15 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

Senate Bill No. 84 was read a third time.

Senator Bailey moved to refer Senate Bill No. 84 to a committee of one, with instructions to amend.

Senator Bailey was appointed as said committee.

Senator Bailey, from the committee of one, to whom was referred Senate Bill No. 84, made the following report:

MR. PRESIDENT:

Your committee of one, to whom was referred Senate Bill No. 84, with instructions to insert the word "other," after the words "in all," at the beginning of said amended section, would respectfully report the bill back, with the information that said word has been inserted as per instructions.

The report was concurred in.

The question being, Shall Senate Bill No. 84 pass?

The roll being called, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Berry, Barrett, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm,

Sellers, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman and Mr. President. Total, 27.

Those voting in the negative were none.

Those present and refusing to vote were :

Senators DeMotte, Davis, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Marshall, Shroyer, Moon and Winter. Total, 12.

So the bill passed.

The title to the bill as read was adopted as the title to the act.

House Bill No. 289 was read a second time, with the report of the committee thereon.

The report was concurred in.

Senator Barrett offered the following amendment to Engrossed House Bill No. 289 :

MR. PRESIDENT :

I move to amend Engrossed House Bill No. 289 by adding to section 1 the following words, to-wit: "*Provided*, That the fact of such proceedings and judgment in any court outside of the State of Indiana may be proved by oral testimony, unless the defendant shall file a written answer under oath, denying such proceedings and judgment."

Amendment adopted.

Senate Bill No. 114 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

Senator Tharp offered the following amendment to Senate Bill No. 114 :

MR. PRESIDENT :

I move to strike out all after the word "void," in line 4.

Senator Fowler moved that the bill and amendment be referred to the Committee on Judiciary.

Senator Urmston moved, as a substitute, that all but the enacting clause be stricken out.

The motion carried.

Senator Tharp, from the Committee on Mines and Mining, made the following report on Senate Bill No. 311 :

MR. PRESIDENT :

Your committee, to whom was referred Senate Bill No. 311, begs leave to report that they have had the same under consideration, and recommends that the bill do pass.

Senate Bill No. 119 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

House Bill No. 294 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

House Bill No. 298 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

Senate Bill No. 57 was taken up.

Senator Barrett made the following motion :

MR. PRESIDENT :

I move to refer Senate Bill No. 57 to a select committee of one, with instructions to amend said bill by adding to section 7 of said bill the following :

*Provided*, That if such ditch or drain shall become obstructed at any point by an unusual or extraordinary amount of drift-wood, or other *debris*, by reason of an unusual or extraordinary freshet, said Trustee of the township where such obstruction exists shall, upon notice thereof, cause such obstruction to be removed, and the expense thereof shall be paid out of the general township fund.

The motion carried.

Senator Barrett was appointed as said committee.

Senator Barrett, from the select committee, offered the following report on Senate Bill No. 57 :

MR. PRESIDENT :

Your committee, to whom was referred Senate Bill No. 57, with instructions to amend the same, beg to report that the bill has been amended by adding to section 7 of said bill the following :

*Provided*, That if such ditch or drain shall become obstructed at any point by an unusual or extraordinary amount of drift-wood, or other *debris*, by reason of an unusual or extraordinary freshet, said Trustee of the township in which such obstruction exists shall, upon notice thereof, cause such obstruction to be removed, and the expense thereof shall be paid out of the general township fund.

Report concurred in.

Senate Bill No. 57 was read a third time by sections as amended.

A leave of absence was granted Senator Smith of Wells until next Wednesday evening.

Senator Smith of Wells moved that the vote by which the motion to strike out all but the enacting clause of Senate Bill No. 114 be reconsidered.

Senator Sellers moved to lay Senator Smith of Wells's motion on the table.

Pending action on Senator Sellers's motion.

Senator Bailey moved that the Senate adjourn.

The motion carried.

JOHN D. CARTER,  
Assistant Secretary of the State Senate.

## SATURDAY MORNING.

FEBRUARY 26, 1887.

The Senate met in regular session.

Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by Senator Howard of St. Joseph.

On motion of Senator Schloss the reading of the journal was dispensed with,

Senator McDonald introduced Senate Bill No. 333, entitled:

An act electing a State Legislative Stenographer, and declaring an emergency.

Read a first time and referred to Committee on Finance.

Senator Day moved that when the Senate adjourn it adjourn until 2 o'clock next Monday evening.

The motion carried.

Senator Duncan of Brown, from the Committee on Education, made the following report on Senate Bill No. 12:

MR. PRESIDENT:

Your Committee on Education, to whom was referred Senate Bill No. 12, introduced by Senator Thompson of Marion County, have had the same under consideration, and would recommend that the same be amended as follows: Insert the following words after "section 1" in the first section to-wit: "*Be it enacted by the General Assembly of the State of Indiana, That.*"

In section 3, strike out the following: "taught in the public schools," and insert instead thereof the following: "named in the first section of this bill."

In section 7, in lines 13 and 14, strike out "the town" and insert "schools in the county." And in line 14 and following, strike out "or to the secretary or agent of the State Board of Education."

In section 9, first line and following, strike out "the School Board or their agent in every town," and insert "the School Trustee of every township and the Board of School Trustees of every city and town." And in the last line of said section, strike out "town," and insert "county."

In section 10, strike out "chapter," in the fourth line and insert "act."

In section 11, strike out the following at the end of said section: "But no such town," etc., down to and including "county," and insert the following: "All prosecutions for the violation of any of the provisions of this act shall be made by the Prosecuting Attorney of the district in which the offense is committed."

Strike out section 12 and re-number the following sections accordingly.

In section 13, first line, strike out "bailiffs," and in the third line strike out "precincts" and insert "jurisdictions."

Strike out section 14 and re-number the following sections accordingly.

In section 15, line 5, after the word "town," insert "or city."

In section 16, line 2, strike out "three" and insert "two," and strike out all words after "Judge," in line 3, to and including "made," in line 5, and insert instead thereof the following: "Of Circuit or Criminal Court, or the Justice of the Peace before whom such prosecutions are had."

In same section, 16, strike out all thereof after and including the words "the fees," in line 9, and insert the following: "All fees due any officers for services, as provided for in this act, shall be paid by the city or town in which such prosecutions are had."

In section 18, line 1, strike out the following: "The Town Councilmen of any town," and insert the following: "The Common Council of any city, or the Board of Trustees of any town," and in line 6, strike out "Constables" and insert "Police-men" in both places where said word "Constables" occurs.

And when said bill is so amended that said bill do pass.

Also, on House Bill No. 10:

**MR. PRESIDENT:**

Your committee, to whom was referred House Bill No. 10, have had the same under consideration, and offer the following amendment: That in section 1, line 11, insert the word "same" after the word "the," and so amended, direct me to report the same back to the Senate, with the recommendation that it do pass.

Also, on Senate Bill No. 130, as follows:

**MR. PRESIDENT:**

Your Committee on Education, to whom was referred Senate Bill No. 130, introduced by Senator Duncan of Tipton, have had the same under consideration, and direct me to report the same back to the Senate with the recommendation that it be indefinitely postponed.

Also, on Senate Bill No. 297:

**MR. PRESIDENT:**

Your Committee on Education, to whom was referred Senate Bill No. 297, introduced by Senator Duncan of Brown, have had the same under consideration and direct me to report the same back to the Senate, with the recommendation that it do pass.

Senate Bill No. 126 was read a second time, with the report of the committee thereon.

Senator Schloss moved that the report of the committee be concurred in.

The motion carried.

Senator Barrett moved to amend Senator Schloss's motion by indefinitely postponing said bill.

The motion was lost.

The question recurring on the motion of Senator Schloss.

The motion carried.

The question being on the engrossment of Senate Bill No. 126.

The ayes and noes were demanded and taken, and resulted as follows:



Those voting in the affirmative were:

Senators Andrew, Berry, Branaman, Bryant, Cox, Day, Fowler, French, Howard of St. Joseph, Peterson, Rahm, Schloss, Shively, Thompson of Marion, Mr President. Total, 15.

Those voting in the negative were:

Senators Barrett, Duncan of Brown, Hale, McClure, McDonald, Mullinix, Sellers, Urmston, Zimmerman. Total, 9.

Those present and refusing to vote were:

Senators Davis, Drake, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Moon, Shroyer, and Winter. Total, 11.

So the motion carried and the bill was ordered engrossed.

Senate Bill No. 185 was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

Senator Fowler asked for and was granted a leave of absence until Monday afternoon at 2 o'clock.

Senate Bill No. 326 was read a third time.

The question being, Shall Senate Bill No. 326 pass?

The roll being called, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Thompson of Mariou, Tharp, Trippet, Urmston, Zimmerman, and Mr. President. Total, 29.

Voting in the negative, none.

Those present and refusing to vote were:

Senators Campbell, Davis, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Moon, Shroyer, and Winter. Total, 12.

So the bill passed.

The President of the Senate ordered that the names of those Senators who were present and refusing to vote be called a second time, which was done, and they still persisted in their refusal to vote.

Senator Bailey moved that those Senators who were present and refused to vote be excused from voting on the passage of Senate Bill No. 326.

The motion carried.

The title to the bill as read was referred to the Committee on Phraseology.

House Bill No. 235 was read a third time.

The question being, Shall the bill pass?

The roll being called, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, Mr. President. Total, 29.

Voting in the negative, none.

Those present and refusing to vote were:

Senators Davis, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Moon and Winter. Total, 11.

So the bill passed.

The President of the Senate ordered that the names of those Senators who were present and not voting be called a second time, which was done, and they still persisted in their refusal to vote.

Senator Schloss moved that those Senators present and refusing to vote be excused from voting on the passage of Senate Bill No. 235.

The motion carried.

Senator Rahm made the following motion :

MR. PRESIDENT :

I move that the roll of the Senate be called, and that each Senator, when his name is called, be allowed to take up one bill for action of the Senate.

Motion carried.

The proposed constitutional amendments were taken up.

Senator Sellers, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

Your Committee on Judiciary has instructed me to report the following resolution, and recommend its adoption :

*Resolved by the Senate, the House concurring therein*, That the following resolution, which was heretofore proposed and agreed to by the Fifty-fourth General Assembly of the State of Indiana, being the regular session of 1885, to-wit: 'A Joint Resolution proposing an amendment to section two, of article six, of the Constitution.

*Resolved by the House of Representatives, the Senate concurring*, That the following amendment to the Constitution of the State of Indiana be, and the same is hereby, proposed and agreed to, to-wit: Amend section two of the sixth article, to read :

SECTION 2. There shall be elected in each county, by the voters thereof, at the time of holding general elections, a Clerk of the Circuit Court, Auditor, Recorder, Treasurer, Sheriff, Coroner and Surveyor, who shall severally hold their offices for a term of four years from the 1st day of January after their election, and no person shall be eligible to either of said offices, except that of Surveyor, more than four years, or one term in any period of eight years: *Provided*, That in case of the appointment of any one of such officers to fill any vacancy therein, such appointee shall be appointed to hold only to the 1st of January succeeding the next general election after such vacancy occurs.

*Resolved*, That in submitting this amendment to the electors of the State, to be voted on, it shall be designated as "Amendment No. 1," be and the same is hereby adopted and agreed to.

The question being, Will the Senate adopt and agree to the amendment to the Constitution in relation to the terms of officers, being proposed Amendment No. 1 to the State Constitution?

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, and Mr. President. Total, 29.

Those voting in the negative, none.

Those present and refusing to vote were :

Senators Campbell, Davis, Drake, Dresser, Duncan of Tipton, Harness, Huston, Johnson, Macy, Moon, Shroyer, and Winter. Total, 12.

So the motion carried and the constitutional amendment was adopted and agreed to.

The President of the Senate ordered that those Senators who were present and refusing to vote be called a second time, which was done, and they still persisted in their refusal to vote.

Senator Bailey moved that those Senators who refused to vote to adopt and agree to the amendment to the Constitution embraced in Joint Resolution No. 2, be excused from voting.

The motion carried.

Senator Sellers, from the Committee on Judiciary, made the following report on Constitutional Amendment No. 3:

**MR. PRESIDENT :**

Your Committee on Judiciary has instructed me to report the following resolution, and recommend its adoption :

Report of the committee concurred in.

*Resolved by the Senate and House of Representatives of the State of Indiana, That the following resolution, which was heretofore proposed and agreed to by the Fifty-fourth General Assembly*

of the State of Indiana, being the special session of 1885, to-wit: "A joint resolution proposing an amendment to section 1 of Article XII of the Constitution of the State of Indiana:

*"Be it resolved by the General Assembly of the State of Indiana, That the following amendment to the Constitution of the State of Indiana be and the same is hereby proposed and agreed to, to-wit: Amend section 1 of Article XII by striking out the word 'white,' contained in said section.*

*"Resolved, further, That in voting on this amendment it shall be designated and known as Amendment No. 3," be and the same is hereby adopted and agreed to.*

Senator Sellers moved that Amendment No. 3 to the Constitution be agreed to.

The ayes and noes were ordered and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, Mr. President. Total, 29.

Voting in the negative, none.

Those present and refusing to vote were:

Senators Campbell, Davis, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Macy, Moon, Shroyer, and Winter. Total, 13.

So the proposed Constitutional Amendment No. 3 was adopted and agreed to.

The President of the Senate ordered that the names of those Senators who were present and refusing to vote be called a second time, which was done, and they still persisted in their refusal to vote.

Senator Schloss moved that those Senators present and refusing to vote on proposed Constitutional Amendment No. 3, and on Joint Resolution No. 5, be excused from voting.

The motion carried.

Senator Barrett moved that the resolutions on the constitutional amendments be spread of record on the journal.

The motion carried.

Senator Tharp moved that the roll of the Senate be called from the bottom upward, when it was called for bills upon which action was to be taken by the Senate.

The motion carried.

Senator Zimmerman called up Senate Bill No. 55.

The majority and minority reports on Senate Bill No. 55 were read.

The question being, Shall the majority report be adopted ?

Senator Zimmerman moved to substitute the minority for the majority report.

The question being on the substitution of the minority for the majority report.

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Cox, Day, Hale, Howard of Decatur, Howard of St. Joseph, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, and Mr. President. Total, 24.

Those voting in the negative were:

Senators Bryant and Duncan of Brown. Total, 2.

Those present and refusing to vote were:

Senators Campbell, Davis, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Johnson, Moon, and Winter. Total, 10.

So the motion carried.

The Senators present and refusing to vote were called by name a second time and still persisted in their refusal to vote.

On motion of Senator Schlossè, they were excused from voting on the substitution of the minority for the majority report.

The question being, Will the Senate concur in the minority report?

The motion carried.

The bill was ordered engrossed.

Senator Thompson of Marion, from the Committee on Cities and Towns, made the following report on Senate Bill No. 327:

MR. PRESIDENT:

The Committee on Cities and Towns, to whom was referred Senate Bill No. 327, have had the same under consideration and have instructed me to report the same back to the Senate and recommend that it pass.

Senator Barrett moved to reconsider the vote by which Senate Bill No. 126 was ordered engrossed.

The motion carried.

Senator Barrett moved to recommit Senate Bill No. 126 to the Committee on Cities and Towns.

The motion carried.

Senator Trippet called up Senate Bill No. 173, which was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, Feb. 26, 1887. }

*Gentlemen of the Senate:*

Pursuant to the provisions of section 3 of an act of the General Assembly, passed February 23, 1883, acts 1883, page 20, I have the honor to appoint Levi A. Barnett, of Hendricks County, and Lewis Jordon, of Marion County, Commissioners of the Board of Control of the Indiana Reform School for Boys, to succeed themselves, and to serve as such for a term of four years from the 28d day of February, 1887, and until their successors shall have been appointed and qualified. And I now submit such appointments to the Senate for its approval.

ISAAC P. GRAY,  
Governor.

Engrossed House Bill No. 109 was read a second time, with the report of the committee thereon.

- The report of the committee was concurred in.

The amendments were ordered engrossed.

Senator Thompson of Marion called up Senate Bill No. 238, which was read a second time, with the report of the committee thereon.

The report was concurred in.

Senator Bailey offered the following amendment to Senate Bill No. 238:

MR. PRESIDENT:

I move to amend Senate Bill No. 238 by adding the following after section 3:

Section 4. All bridges of county roads, turnpikes, or public thoroughfares, crossing over any railroad track or tracks in this State, shall be raised in conformity with the provisions of this bill, and it shall be unlawful for any person or persons, Board of County Commissioners, or any member thereof, or any State or county officer, to in anywise interfere with the raising of such bridge or structure. Any person or persons, County Commissioner, State, county or other officer, interfering with the enforcement of the provisions of this bill, shall be guilty of a misdemeanor, and upon conviction thereof, shall pay a fine in any sum not greater than five hundred dollars.

Also, change the number of section 4, as the bill stood before this proposed amendment, to "section 5."

Adopted.

Senate Bill No. 238 was ordered engrossed as amended.

Senator Shively called up Senate Bill No. 318, which was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.



Senator Sellers called up Senate Bill No. 140, which was read a second time, with the report of the committee thereon.

The report was concurred in.

The question being, Shall the bill be engrossed ?

The motion carried.

Senator Schloss called up Senate Bill No. 158, which was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The question being, Shall the bill be engrossed ?

The motion carried.

Senator Rahm called up Senate Bill No. 308, which was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

Senator Logsdon called up Senate Bill No. 329, which was read a second time, with report of the committee thereon.

Report of the committee was concurred in.

The bill was ordered engrossed.

Senator Howard of Decatur called up Senate Bill No. 174, which was read a second time, with the report of the committee thereon.

Report of the committee was concurred in.

The bill was ordered engrossed.

Senator Hale called up Senate Bill No. 228, which was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The question being, Shall the bill be engrossed ?

The motion carried.

Senator Griffith called up Senate Resolution No. 86, which was read, with the report of the committee thereon.

The report of the committee was concurred in.

Senator Sellers offered the following amendment:

**MR. PRESIDENT :**

I move to amend Senate Resolution No. 86 by inserting after the word "purposes" the words "made for the purpose of paying the expenses of the present session."

Adopted.

The question being, Shall the resolution be adopted?

The motion was carried, and the resolution was adopted.

Senator Day called up Senate Bill No. 259, which was read a second time, with report of the committee thereon.

Report of committee concurred in.

The bill was ordered engrossed.

Senator Duncan of Brown called up Senate Bill No. 182, which was read a second time, with report of the committee thereon.

Report of the committee concurred in.

The bill was ordered engrossed.

Senator Bryant called up Senate Bill No. 289, which was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

Senator Barrett called up Senate Bill No. 324, which was ordered engrossed.

Senator Bailey called up Senate Bill No. 257, which was read a second time, with the report of the Committee thereon.

The report was concurred in and the bill was ordered engrossed.

Senator Sellers offered Senate Resolution No. 87, as follows:

*Resolved*, That the Auditor of State is hereby directed to honor and pay out of the fund appropriated for the expenses of the session, warrants issued by the last Senate to pay one of its officers.

Referred to Committee on Claims.

Senator McDonald called up Senate Bill No. 194, which was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

Senator Bailey offered the following amendment to Senate Bill No. 194 :

MR. PRESIDENT :

I move to amend Senate Bill No. 194 by inserting after the word "Commissioners," in line 5, the following words: "In regular or special sessions, and all allowances made by any court of record."

Adopted.

Senator Duncan of Brown offered the following resolution, No. 88:

MR. PRESIDENT :

WHEREAS, Section 4892 of the Revised Statutes of 1881 provides that it shall be the duty of the Principal Secretary of the Senate to make a complete calendar of all bills and joint resolutions pending in the Senate, including those which have been acted upon during the session, to be filed with the State Librarian, and that said Secretary shall make and publish in the Senate Journal a full and complete list and index thereto of all bills and joint resolutions which have been acted upon during the session, and the rules of the Senate have required said Secretary to furnish a calendar of bills and joint resolutions pending in the Senate and have the same published and laid upon the desk of each Senator every Monday morning, in addition to his regular duties as Secretary of the Senate; and,

WHEREAS, Section 4983 of the Revised Statutes of 1881 makes it the duty of the Assistant Secretary of the Senate to superintend the printing of, read the proof and properly index all matter in the journals, and to file in the office of the Secretary of State such printed and written copies of such journal, and said section provides that the Senate shall make the proper allowances to said officers for the services enumerated; therefore, be it

*Resolved*, That Webster Dixon, Secretary of the Senate, and John D. Carter, Assistant Secretary of the Senate, each be al-

lowed the sum of four hundred and fifty dollars for the performance of the services above respectively enumerated, and the President of the Senate is hereby authorized to draw his warrants in favor of the above named officers for said sums of money, payable out of the funds appropriated for the payment of the expenses of this General Assembly.

W. C. DUNCAN.

Read and referred to Committee on Finance.

Senator Barrett presented a petition from a number of citizens from Allen County asking that the Legislature enact a law allowing the women of the State to vote in all municipal elections in towns and cities of the State, which was referred to the Committee on Cities and Towns without reading.

Senator Barrett presented a petition from the Knights of Labor, of Fort Wayne, Ind., for the repeal of section No. 3261, Revised Statutes of 1881, which was referred without reading to the Committee on Finance.

The roll call of the Senate having been completed and each Senator having been given an opportunity to call up a bill upon which action might be taken according to the provisions of the motion this day made by Senator Tharp and carried by the Senate, on motion of Senator Schloss the Senate adjourned.

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## MONDAY AFTERNOON.

FEBRUARY 28, 1887.

The Senate met in regular session at 2 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

On motion of Senator Shively, the reading of the journal was dispensed with.

Senator Sellers, from the Committee on Judiciary, made the following report on Senate Bill No. 69:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 69, introduced by Senator Campbell, having had the

same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be indefinitely postponed.

Also, the following report on Senate Bill No. 316:

**MR. PRESIDENT:**

Your Committee on Judiciary, to whom was referred Senate Bill No. 316, introduced by Senator Winter, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be passed.

Also, on Senate Bill No. 276:

**MR. PRESIDENT:**

Your Committee on Judiciary, to whom was referred Senate Bill No. 276, introduced by Senator Davis, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be indefinitely postponed.

Also, on Senate Bill No. 112:

**MR. PRESIDENT:**

Your Committee on Judiciary, to whom was referred Senate Bill No. 112, introduced by Senator Fowler, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be indefinitely postponed.

Also, on Senate Bill No. 197:

**MR. PRESIDENT:**

Your Committee on Judiciary, to whom was referred Senate Bill No. 197, introduced by Senator French, having had the same under consideration, begs leave to submit the following report:

A majority of your committee recommends that said bill be passed.

Also, on Senate Bill No. 245 :

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred Senate Bill No. 245, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be indefinitely postponed.

Also, on Senate Bill No. 309 :

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred Senate Bill No. 309, introduced by Senator Schloss, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be indefinitely postponed.

Also, on Senate Bill No. 123 :

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred Senate Bill No. 123, introduced by Senator Fowler, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be indefinitely postponed.

Also, on Senate Bill No. 162 :

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred Senate Bill No. 162, introduced by Senator Thompson, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be indefinitely postponed.

Also, on Senate Bill No. 176, as follows :

**MR. PRESIDENT :**

Your Committee on Judiciary, to whom was referred Senate Bill No. 176, introduced by Senator Bailey, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be indefinitely postponed.

Also, on Senate Bill No. 305 :

**MR. PRESIDENT :**

Your Committee on Judiciary, to whom was referred Senate Bill No. 305, introduced by Senator Peterson, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be indefinitely postponed.

Also, on Senate Bill No. 37 :

**MR. PRESIDENT :**

Your Committee on Judiciary, to whom was referred Senate Bill No. 37, introduced by Senator Davis, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be indefinitely postponed.

Also, on Senate Bill No. 202 :

**MR. PRESIDENT :**

Your Committee on Judiciary, to whom was referred Senate Bill No. 202, introduced by Senator Harness, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be indefinitely postponed.

Also, on House Bill No. 290 :

**MR. PRESIDENT :**

Your Committee on Judiciary, to whom was referred Engrossed House Bill No. 290, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be indefinitely postponed.

Also, on Engrossed House Bill No. 293, as follows :

**MR. PRESIDENT :**

Your Committee on Judiciary, to whom was referred Engrossed House Bill No. 293, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said bill be amended as follows: Amend section 2 by inserting after the word "buildings," in line 6, page 6, the words "erected by said lien holder," and by striking out the word "etc." in said line.

Strike out section 4 and insert in lieu thereof the following :

Section 4. That section 5 of said act be amended to read as follows: "Section 5. To enable any person furnishing material to a contractor or to any sub-contractor, to acquire such lien, he must, at or before the time he furnishes the material, notify the owner or his agent, that he is furnishing the material for such contractor or sub-contractor."

Strike out section 6 of said act.

And when said bill is so amended that it do pass.

Senator Rahm moved that the roll be called, and that each Senator be allowed to call up one bill when his name should be called.

The motion was carried.

Senator Bailey called up Senate Bill No. 169, which was read a third time.

The question being, Shall the bill pass?

The roll being called resulted as follows :



Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Bryant, Cox, Day, Duncan of Brown, French, Griffith, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman and Mr. President. Total, 26.

Voting in the negative, none.

Those present and refusing to vote were :

Senators Davis, DeMotte, Drake, Duncan of Tipton, Ensley, Huston, Johnson, Kennedy, Macy, Marshall and Moon. Total, 11.

So the bill passed.

The President of the Senate ordered that the names of those Senators who were present and refusing to vote be called the second time, which was done, and they still persisted in their refusal to vote on the motion to pass Senate Bill No. 169.

On motion of Senator Bailey those Senators refusing to vote were excused from voting.

The title to the bill as read was adopted as the title to the act.

Senator Barrett called up Senate Bill No. 324, which was read a third time.

The question being, Shall the bill pass ?

The roll being called resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, and Mr. President. Total, 27.

Voting in the negative, none.

Those present and refusing to vote were :

Senators Campbell, Davis, DeMotte, Dresser, Ensley, Johnson, Kennedy, Macy, Marshall, and Moon. Total 10.

So the bill passed.

The President of the Senate ordered that the names of those Senators who were present and refusing to vote on the motion to pass Senate Bill No. 324 be called the second time, which was done, and they still persisted in their refusal to vote.

On motion of Senator Trippet those Senators refusing to vote were excused from voting.

The title to the bill as read was adopted as the title to the act.

A leave of absence was granted to Senator Branaman for the day.

Senator Sellers introduced Senate Bill No. 334, entitled :

A bill for an act to amend sections 1, 2, 5, 6 and 7 of the temperance act, etc.

Read first time and referred to Committee on Temperance.

Senator Bryant called up Senate Bill No. 289, which was read a third time.

The question being, Shall the bill pass?

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, and Mr. President. Total, 26.

Voting in the negative, none.

Those present and refusing to vote were :

Senators Campbell, Davis, DeMotte, Dresser, Duncan of Tipton, Ensley, Kennedy, Macy, Marshall, and Moon. Total, 10.

So the bill passed.

The President of the Senate ordered the names of those Senators who were present and refusing to vote on the question to pass Senate Bill No. 289, to be called a second time ; which was done, and they still persisted in their refusal to vote.

On motion of Senator Schloss, those Senators refusing to vote were excused from voting.

The title to the bill as read was adopted as the title to the act.

Senator Bailey introduced Senate Bill No. 335, entitled:

An act making annual appropriations for the State Government and its institutions for the fiscal year beginning November 1, 1887, and ending October 31, 1888, directing the application of such appropriations, requiring accounts to be kept of the same and other matters connected therewith, and declaring an emergency.

Read first time and referred to Committee on Finance.

Senator Bailey introduced Senate Bill No. 336, entitled:

An act making annual appropriations for the State Government and its institutions for the fiscal year commencing November 1, 1888, and ending October 31, 1889, directing the application of such appropriations, requiring accounts to be kept of the same and other matters connected therewith, and declaring an emergency.

Read first time and referred to Committee on Finance.

Senator Bailey introduced Senate Bill No. 337, entitled:

An act making appropriations for the State Government and its institutions for the fiscal year commencing November 1, 1886, and ending October 31, 1887, and being in addition to appropriations heretofore made and other matters connected therewith, and declaring an emergency.

Read first time and referred to the Committee on Finance.

Senator Cox called up Senate Bill No. 90, which was read a third time.

The question being, Shall the bill pass?

The roll being called resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Cox, Day, Duncan of Brown, Fowler, Griffith, McClure, Mullinix, Rahm, Schloss, Shively, Thompson of Marion, Tharp, Mr. President. Total, 14.

Those voting in the negative were :

Senators Barrett, Berry, Bryant, French, Hale, Howard of St. Joseph, McDonald, Peterson, Sellers, Trippet, Urmston, and Zimmerman. Total, 12.

Those present and refusing to vote were :

Senators Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Kennedy, Macy, Moon, Shroyer. Total, 10.

So the bill failed to pass for want of a constitutional majority.

The President of the Senate ordered that the names of those Senators who were present and refusing to vote, be called the second time, which was done, and they still persisted in their refusal to vote on the question, Shall Senate Bill No. 90 pass?

Senator Day called up House Bill No. 223, which was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

Senator Duncan of Brown called up Senate Bill No. 206, which was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

Senator Hale called up Engrossed Senate Bill No. 141, which was read a third time.

Senator Rahm moved to recommit Senate Bill No. 141 to a committee of three, with instructions to report to-morrow.

Senators Rahm, Shroyer and Barrett were appointed as said committee.

Senator Fowler, from the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :

Your Committee on Enrolled Bills would report that they have compared Engrossed Senate Bill No. 108 with Enrolled Senate Act No. 108, and find the same correctly enrolled.

Senator Fowler presented the following communication from the Secretary of the Senate:

*To the Honorable Senate of Indiana :*

I, Webster Dixon, Secretary of the Senaté, beg leave to respectfully report to your honorable body, that on the 28th day of February, 1887, I transmitted to the House of Representatives the following message, to-wit:

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed Engrossed Joint Resolution No. 2, adopting and agreeing to the proposed Amendment No. 1, to the Constitution of the State of Indiana.

Also, that the Senate has passed Engrossed Joint Resolution No. 5, adopting and agreeing to proposed Amendment No. 3, to the Constitution of the State of Indiana.

Also, that the Senate has passed Engrossed Senate Bill No. 84, a bill to amend section 35 of an act concerning proceedings in civil cases, etc.

Also, that the Senate has passed Engrossed Senate Bill No. 223, a bill relative to the appointment of special deputies, marshalls, or policemen by sheriffs, mayors, and other persons authorized by law to make such appointments, etc.

Also, that the Senate has passed Engrossed House Bill No. 235, an act to authorize the Trustees of Jamestown, Boone County, Indiana, to compromise and adjust certain tax claims, etc., and the same are herewith transmitted to the House.

WEBSTER DIXON,  
Secretary.

That I appeared at the door of said House of Representatives, and made known to the Door-keeper thereof the contents of said message, and demanded admission to the chamber of said House of Representatives to communicate said message to the House. That I was denied admission to the chamber of the House of Representatives by said Door-keeper, who informed me that he was instructed by the House of Representatives and the Speaker thereof, to deny admission to the Secretary of the Senate, bearing official messages from the Senate.

WEBSTER DIXON,  
Secretary of Senate.

On motion of Senator Fowler the communication was ordered spread of record on the journal.

Senator Fowler offered the following communication from the Secretary of the Senate:

*To the Honorable Senate of Indiana :*

I, Webster Dixon, Principal Secretary of the Senate, beg leave to report to the Senate the following: That on this, the 25th day of February, 1887, as said Secretary, I bore to the House the following message, to-wit:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bill No. 307, a bill to amend section 1 of an act entitled, "An act authorizing public aid to corporations erecting bridges over streams forming a boundary of this State;" and Engrossed Senate Bill No. 47, a bill providing for the completion, equipment and furnishing of the three additional Hospitals for Insane, and declaring an emergency, and the same are herewith transmitted to the House.

WEBSTER DIXON,  
Secretary of the Senate.

That I was denied admission to the chamber of the House of Representatives by the Door-keeper thereof, who informed me that he was instructed by the House of Representatives and the Speaker thereof, to deny admission to the Secretary of the Senate, bearing official messages from the Senate.

WEBSTER DIXON,  
Secretary of the Senate.

Senator Fowler moved that the communication from the Secretary of the Senate be spread of record on the Journal.

Senator Andrew, from the Committee on Temperance, offered the following report on Senate Bill No. 334:

MR. PRESIDENT:

Your Committee on Temperance, to whom was referred Senate Bill No. 334, beg leave to report that they have had the same under consideration, and recommend that the bill do pass.

Senator Trippet, from the Committee on Organization of Courts, on Senate Bill No. 319, reported as follows :

MR. PRESIDENT :

Your Committee on Organization of Courts, to whom was referred Senate Bill No. 319, introduced by Senator Campbell, have had the same under consideration, and a majority of the committee report that said bill do pass.

Oscar A. Trippet, of the committee, dissents from the majority report because he is opposed generally to forming new circuits, and he is not informed as to the necessity of a new circuit, as this bill creates.

Senator Sellers offered the following Senate Concurrent Resolution No. 15 :

*Resolved by the Senate, the House concurring,* That the bill providing for a loan by the State to procure ready money for the payment of the current and extraordinary expenses of this State, the General Appropriation Bill and the Revenue Bill ought to be at once taken up and passed, and that said bills have precedence of all other pending business.

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, and Mr. President. Total, 29.

Those voting in the negative, none.

Those present and refusing to vote were :

Senators Davis, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Kennedy, Macy, and Shroyer. Total, 10.

So the resolution was adopted.

The President of the Senate ordered the names of those Senators who were present and refusing to vote on the motion to adopt Concurrent Resolution No. 15, to be called the second time, which was done, and they still persisted in their refusal to vote.

Senator French, from the Committee on Finance, offered the following report on Senate Resolution No. 88 :

MR. PRESIDENT :

Your committee, to whom was referred Senate Resolution No. 88, have had the same under consideration, and report the same back with the recommendation that it be adopted.

Senator French, from the Committee on Finance, made the following report on Senate Bills Nos. 335, 336 and 337 :

MR. PRESIDENT :

Your committee, to whom was referred Senate Bill No. 335, being the General Appropriation for 1887 ; also, Senate Bill No. 336, being the General Appropriation for 1888 ; also, Senate Bill No. 337, being a bill to appropriate money for the State Government, and said bills being introduced by Senator Bailey, have had the same under consideration, and said bills are reported back with a recommendation that they do pass.

Senator Howard of St. Joseph called up Senate Bill No. 35, which was read a third time.

The question being, Shall Senate Bill No. 35 pass ?

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Bryant, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, and Mr. President. Total, 29.

Voting in the negative, none.

Those present and refusing to vote were :

Senators Davis, DeMotte, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Kennedy, Macy, Moon, Shroyer. Total, 11.

So the bill passed.



The President of the Senate ordered the names of those Senators present and refusing to vote to be called the second time, which was done, and they still refused to vote on the question of the passage of Senate Bill No. 35.

On motion of Senator Sellers, they were excused from voting.

The title to the bill as read was adopted as the title to the act.

Senator Logsdon called up Senate Bill No. 329, which was read a third time.

The question being, Shall the bill pass?

The roll was called and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, Mr. President. Total, 28.

Voting in the negative, none.

Those present and refusing to vote were:

Senators Davis, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Kennedy, Macy, Marshall, Moon, Shroyer. Total, 11.

So the bill passed.

The President of the Senate ordered the names of those Senators who were present and refusing to vote to be called the second time, which was done, and they still persisted in their refusal to vote upon the question of the passage of Senate Bill No. 329.

On motion of Senator Thompson of Marion, they were excused from voting.

The title to the bill as read was adopted as the title to the act.

Senator McClure called up Senate Bill No. 280, which was read a third time.

The question being, Shall the bill pass?

The roll being called, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, and Mr. President. Total, 27.

Those voting in the negative, none.

Those present and refusing to vote were:

Senators Davis, Dresser, Duncan of Tipton, Ensley, Huston, Kennedy, Maçy, Marshall, Moon, Shroyer. Total, 10.

So the bill passed.

The President of the Senate ordered that the names of those Senators who were present and refusing to vote be called the second time, which was done, and they still persisted in their refusal to vote upon the question of the passage of Senate Bill No. 280.

On motion of Senator McClure, they were excused from voting.

The title to the bill as read was adopted as the title to the act.

Senator McDonald presented a petition from the citizens of Whitley County, which was referred to the Committee on Temperance without reading.

On motion of Senator Sellers the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

## TUESDAY MORNING.

MARCH 1, 1887.

The Senate met in regular session at 9:30 o'clock.

Hon. A. G. Smith, President of the Senate, in the chair.

On motion of Senator Schloss the reading of the journal was dispensed with.

Senator Schloss moved that Senate Bill No. 309, be recommit-  
ted to a special committee of five.

The motion carried.

Senators Schloss, Duncan of Brown, Branaman, Kennedy  
and Moon were appointed as said committee.

The President of the Senate ordered the Secretary to call  
the roll for the calling up of bills, beginning where he left off  
at adjournment on yesterday afternoon.

Senator Peterson called up Senate Bill No. 60, which was  
read a third time.

The question being, Shall the bill pass?

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant,  
Cox, Day, Duncan of Brown, Fowler, French, Hale, Howard  
of St. Joseph, Logsdon, McClure, McDonald, Peterson, Rahm,  
Schloss, Shively, Tharp, Trippet, Weir, Zimmerman, Mr. Pres-  
ident. Total, 25.

Those voting in the negative were :

Senators Sellers and Urmston. Total, 2.

Those present and refusing to vote were :

Senators Dresser, Ensley, Harness, Johnson, Kennedy, Macy,  
and Moon. Total, 7.

So the bill failed to pass for want of a constitutional majority.

Senator Fowler, from the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :

As Chairman of the Joint Committee on Enrolled Bills I sought to deliver to the Chairman of the Committee on Enrolled Bills in the House of Representatives Enrolled Senate Act No. 108, but was refused admission by the Door-keeper of said House. I then addressed to the Speaker of the House the following note, to-wit :

MR. SPEAKER :

As Chairman of the Joint Committee on Enrolled Bills in the Senate, I desire to deliver to the Chairman of the Joint Committee in the House of Representatives on Enrolled Bills Enrolled Senate Act No. 108, which is "An act to establish and maintain the Indiana School for Feeble-Minded Youth," which act has been signed by Hon. Alonzo G. Smith, President of the Senate, and attested by Webster Dixon, Secretary of the Senate, and I have been refused admission by the Door-keeper of the House.

I. H. FOWLER,  
Chairman.

And the said Speaker returned to me said note with directions to the Door-keeper not to admit me, and I have returned said Enrolled Act to the Secretary of the Senate to be disposed of as the Senate may direct.

I. H. FOWLER,  
Chairman.

On motion of Senator Fowler, the report was ordered spread of record on the journal.

Senator Howard of St. Joseph, from the Committee on Swamp Lands, offered the following report on Senate Bill No. 30 ;

MR. PRESIDENT :

Your Committee on Swamp Lands, to whom was referred Senate Bill No. 30, introduced by Senator Schloss, have had the same under consideration, and recommend that the same do pass.

Senator Rahm called up Senate Bill No. 308, which was read a third time.

The question being, Shall the bill pass?

The roll being called, resulted as follows:

Those voting in the affirmative were:

Senators Bailey, Barrett, Branaman, Bryant, Cox, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Rahm, Schloss, Sellers, Shively, Tharp, Trippet, Urmston, Zimmerman, and Mr. President. Total, 23.

Those voting in the negative were:

Senators Andrew, Berry, Day, Mullinix, Peterson, Thompson of Marion, and Weir. Total, 6.

Those present and refusing to vote were:

Senators Davis, Drake, Dresser, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, and Moon. Total, 11.

So the bill failed to pass for want of a constitutional majority.

Senator Schloss called up Senate Bill No. 205, which was read a third time.

The question being, Shall the bill pass?

The roll being called, resulted as follows:

Those voting in the affirmative were:

Senators Branaman, Bryant, Cox, Day, Howard of St. Joseph, Rahm, Schloss, Shively. Total, 8.

Those voting in the negative were:

Senators Andrew, Barrett, Berry, Duncan of Brown, Fowler, Hale, Logsdon, McClure, McDonald, Mullinix, Peterson, Sellers, Tharp, Trippet, Urmston, Weir, Zimmerman, and Mr. President. Total, 18.

Those present and refusing to vote were:

Senators Davis, Dresser, Duncan of Tipton, Ensley, Howard of Decatur, Huston, Kennedy, Macy, Moon, and Thompson of Jasper. Total, 10.

So the bill failed to pass.

The President of the Senate ordered that the names of those Senators who were present and refusing to vote on the question, Shall Senate Bill No. 205 pass? be called the second time, which was done, and they still persisted in their refusal to vote.

On motion of Senator Schloss, they were excused from voting.

On motion of Senator Day, Senator Thompson of Marion was excused from voting on Senate Bill No. 205.

Senator Howard of Decatur was also excused from voting on said bill, on motion of Senator Weir.

Senator Weir, from the Committee on Claims, made the following report:

MR. PRESIDENT:

Your Committee on Claims, to whom was referred Senate Resolution No. 87, would respectfully ask that the committee be allowed to return the same to the Senate, and asks that it be referred to the Committee on Finance, that committee having heretofore fully investigated the subject-matter to which it is supposed the resolution applies.

The report was concurred in.

Senator Sellers called up Senate Bill No. 267, which was read a third time.

Senator Sellers moved that the bill be referred to a committee of one, with instructions to amend said bill.

The motion carried.

Senator Sellers was appointed as said committee.

Senator Sellers, from the special committee to whom was referred Senate Bill No. 267, made the following report:

MR. PRESIDENT:

Your special committee, to which was referred Senate Bill No. 267, begs leave to report that it has amended said bill as instructed, by striking out of line 19 the words, "the tuition fund of the school revenue," and inserting in lieu thereof the words, "general township fund."

The report of the committee was concurred in.

The question being, Shall the bill pass?

The roll being called, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Sellers, Shively, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman, and Mr. President. Total, 28.

Voting in the negative, none.

Those present and refusing to vote were:

Senators Dresser, Ensley, Kennedy, Macy, Moon, Schloss. Total, 6.

So the bill passed.

The President of the Senate ordered that the names of those Senators who were present and refusing to vote on the question, Shall Senate Bill No. 257 pass? be called the second time, which was done, and they still persisted in their refusal to vote.

On motion of Senator Sellers they were excused from voting.

The title to the bill as read was adopted as the title to the act.

Senator Mullinix called up Senate Bill No. 57.

Senator Barrett made the following motion:

MR. PRESIDENT:

I move to refer Senate Bill No. 57 to a select committee of one, with instructions to amend section 2 of said bill by inserting the words "or benefited thereby" after the word "thereof," in line 6 of said section.

And to amend section 8 by inserting the words "by whose negligence or stock said ditch or drain has been obstructed," after the word "occupant" in line 9 of said section.

Motion carried.

Senator Barrett was appointed as said committee.

Senator Barrett, from special committee to whom was referred Senate Bill No. 57, reported as follows :

**MR. PRESIDENT :**

Your committee, to whom was referred Senate Bill No. 57, with instructions to amend the same, beg to report that pursuant to said instruction, said bill has been amended by inserting the words, "or benefited thereby" after the word "thereof," in line 6 of section 2, and inserting the words "by whose negligence or stock said ditch or drain has been obstructed," after the word "occupant," in line 9 of section 8 of said bill.

Report concurred in.

The question being, Shall Senate Bill No. 57 pass ?

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Sellers, Shively, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman and Mr. President. Total, 30.

Voting in the negative, none.

Those present and refusing to vote were :

Senators Campbell, Davis, Dresser, Ensley, Kennedy, Macy, Marshall and Moon. Total, 8.

So the bill passed.

The President of the Senate ordered that the names of those Senators who were present and refusing to vote on Senate Bill No. 57 be called a second time, which was done, and they still persisted in their refusal to vote.

On motion of Senator Barrett, they were excused from voting.

The title to the bill as read was referred to the Committee on Phraseology.



Senator Sellers introduced Senate Bill No. 338, entitled :

An act making an appropriation for Purdue University, and declaring an emergency.

Read first time.

Senator Sellers moved that the constitutional rule be suspended, and that the bill be read a second time by title and considered as engrossed, read a third time by sections and put upon its passage.

Senator Zimmerman, from the Committee on Phraseology, to whom was referred the title to Senate Bill No. 57, begs to report that they have had the same under consideration and recommend that the title to the bill be amended by adding thereto the following words, "and declaring an emergency," and when so amended that the title do stand.

Report concurred in.

The question being, Shall the constitutional rule be suspended on Senate Bill No. 338?

The roll being called resulted as follows :

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, and Mr. President. Total, 28.

Voting in the negative: Senator Weir.

Those present and refusing to vote were:

Senators Davis, Dresser, Ensley, Johnson, Kennedy, Macy, and Moon. Total, 7.

So the constitutional rule was not suspended.

The President of the Senate ordered that the names of those Senators who were present and refusing to vote on Senate Bill No. 338 be called the second time, and they still persisted in their refusal to vote.

On motion of Senator Bailey, Senator Dresser was not excused from voting on said bill.

On motion of Senator Sellers, Senate Bill No. 388 was referred to the Committee on Finance.

Senator French, from the Committee on Finance, made the following report on Senate Resolution No. 70:

**MR. PRESIDENT:**

Your committee, to whom was referred Engrossed Senate Resolution No. 70, have had the same under consideration and begs leave to report with the recommendation that the same be placed on the files.

Also, on Senate Bill No. 303, as follows:

**MR. PRESIDENT:**

Your Committee on Finance, to whom was referred Senate Bill No. 303, have had the same under consideration, and begs leave to report, with the recommendation, that the same be indefinitely postponed.

Also, on Senate Bill No. 330, as follows:

**MR. PRESIDENT:**

Your Committee on Finance, to whom was referred Senate Bill No. 330, have had the same under consideration, and begs leave to report, with the recommendation, that the same be indefinitely postponed.

Also, on Senate Bill No. 96:

**MR. PRESIDENT:**

Your Committee on Finance, to whom was referred Senate Bill No. 96, have had the same under consideration, and begs leave to report, with the recommendation, that the same be amended as follows, to-wit: That in section one, of line 18, the words "ten thousand" be stricken out, and in lieu thereof the words "five thousand" be inserted, and that when the bill is so amended, that it do pass.

Also, on Senate Bill No. 333 :

MR. PRESIDENT :

Your Committee on Finance, to whom was referred Senate Bill No. 333, have had the same under consideration, and begs leave to report, with the recommendation, that the same do pass.

Also, on Senate Bill No. 204 :

MR. PRESIDENT :

Your Committee on Finance, to whom was referred Senate Bill No. 204, have had the same under consideration, and begs leave to report, with the recommendation, that the same do pass.

Also, on the following petition :

MR. PRESIDENT :

Your Committee on Finance, to whom was referred a petition from the Knights of Labor of Fort Wayne, introduced by Senator Barrett, have had the same under consideration, and beg leave to report, with the recommendation, that the same be referred to the Committee on Cities and Towns.

Senator Shively called up Senate Bill No. 318, which was read a third time.

Senator Fowler, from the Joint Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :

Your Joint Committee on Enrolled Bills would submit the following report : That there have been passed by the Senate and House of Representatives, signed by the Speaker of the House, Hon. Warren G. Sayre, and the President of the Senate, Hon. Alonzo G. Smith, and delivered to the Governor, and by him approved, the following Senate Bills, to-wit: Nos. 21, 72, 52, 19, 6, 278 and 292. That there have been passed by the House of Representatives and the Senate, signed by the Speaker of the House, Hon. Warren G. Sayre, and the President of the Senate, Hon. Alonzo G. Smith, and delivered to the Governor, and by him approved, the following House Bills, to-wit:

Nos. 6, 19, 77, 191, 166, 132, 105, 70, 14, 46 and 143, and said committee asks that this report be spread in full upon the journal of the Senate.

Report concurred in.

On motion of Senator Zimmerman, the Senate adjourned.

## AFTERNOON SESSION.

MARCH 1, 1887.

The Senate met pursuant to adjournment at 2 o'clock.

Hon. A. G. Smith, President of the Senate, in the chair.

The question being, Shall Senate Bill No. 318 pass?

The roll being called, resulted as follows:

Those voting in the affirmative were:

Senators Bailey, Branaman, Bryant, Duncan of Brown, Griffith, Peterson, Rahm, Schloss, Sellers, Shively, Thompson of Marion and Mr. President. Total, 12.

Those voting in the negative were:

Senators Andrew, Barrett, Berry, Cox, Day, Fowler, French, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Urmston, Weir and Zimmerman. Total, 16.

Those present and refusing to vote were:

Senators Campbell, Davis, DeMotte, Dresser, Drake, Ensley, Harness, Johnson, Kennedy, Macy and Marshall. Total, 11.

So the bill did not pass.

Senator Fowler offered the following communication from Webster Dixon, Principal Secretary of the Senate:

*To the Honorable Senate of Indiana:*

I, Webster Dixon, Secretary of the Senate, beg leave to respectfully submit to your honorable body the following report, to-wit:

On the first day of March, 1887, I took to the chamber of the House of Representatives the following message, to-wit:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bill No. 169, a bill for "an act providing for the incorporation of labor organizations," etc.

Also, that the Senate has passed Engrossed Senate Bill No. 324, a bill to provide for the control, government and discipline of the State Prison North and the State Prison South by one Board of Directors, to repeal laws therein mentioned and declaring an emergency.

Also, that the Senate has passed Engrossed Senate Bill No. 289, a bill to amend section 23 of an act entitled "An act concerning elections and the contest thereof," approved April 21, 1881, the same being section 4701 of Revised Statutes of 1881.

Also, that the Senate has passed Engrossed Senate Bill No. 35, a bill to amend section 62 of an act entitled "An act providing for the election and qualification of Justices of the Peace," etc.

Also, that the Senate has passed Engrossed Senate Bill No. 329, a bill to amend section 42 of an act entitled an act for the incorporation of towns, etc.

Also, that the Senate has passed Engrossed Senate Bill No. 280, a bill to amend section 24 of an act entitled an act concerning taxation, etc.

And the same are herewith transmitted to the House.

WEBSTER DIXON,  
Secretary of the Senate.

And respectfully requested of the Door-keeper of said House admission to the chamber of said House of Representatives to communicate said message to the House of Representatives, but was denied by said Door-keeper admission to said chamber, and said Door-keeper informed me that he was instructed by the House of Representatives and the Speaker thereof, to deny admission to the Secretary of the Senate bearing official messages from the Senate.

WEBSTER DIXON,  
Secretary of the Senate.

MARCH 1, 1887.

On motion of Senator Fowler, the above communication was ordered spread of record on the Journal.

Senator Thompson of Marion called up Senate Bill No. 12, which was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

Senator Tharp called up Senate Bill No. 190, which was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

Senator Trippet called up Senate Bill No. 119, which was read a third time.

The question being, Shall Senate Bill No. 119 pass?

The roll was called, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Bryant, Branan, Cox, Day, Fowler, French, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman, Mr. President.  
Total, 28.

Voting in the negative, none.

Those present and refusing to vote were:

Senators Davis, Dresser, Ensley, Harness, Huston, Kennedy, Macy, Marshall and Moon. Total, 10.

So the bill passed.

Senator Fowler moved that the Senators present and refusing to vote be not excused.

The motion carried.

Senator Fowler offered Senate Resolution No. 89, as follows :

*Resolved*, That all Senators absent without leave of absence, and all Senators present who refuse to vote on any and all questions before the Senate, unless they are excused, shall not be allowed any per diem or any other compensation as such Senators.

Senator Fowler moved the adoption of the resolution.

Senator Bailey moved that Senate Resolution No. 89 be referred to the Committee on Judiciary.

The motion carried.

Senator Howard of St. Joseph, from the Committee on Swamp Lands, made the following report :

MR. PRESIDENT :

Your Committee on Swamp Lands begs leave to report that, by order of the Senate, they caused summons to be issued for three witnesses to Woodland, one to Kentland, and two to Indianapolis, to testify before said committee in relation to Beaver Lake lands, on recommitment of Senate Bill No. 77. The subpoenas issued by the Door-keeper, with return of services for the same, are filed herewith, and fees as taxed. Your committee are of the opinion that said fees are correct, and ask that the accompanying resolution for the payment of the same be passed by the Senate.

Senator Howard of St. Joseph offered the following Resolution No. 90 :

*Resolved by the Senate*, That the sum of thirty dollars and fifteen cents be, and the same is hereby, allowed to Frank Pritchett, Door-keeper, for service of summons on witnesses to appear before the Committee on Swamp Lands, February 21, 1887, and that a warrant be drawn in his favor for said amount.

Adopted.

Senator Urmston called up Engrossed House Bill No. 15, which was read a third time.

The question being, Shall the bill pass ?

The roll was called, and resulted as follows :

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Sellers, Shively, Thompson of Marion, Tharp, Urmston, Weir, Zimmerman, and Mr. President. Total, 21.

Voting in the negative: Senator Schloss.

Those present and refusing to vote were: Total, 1. Resulted

Senators Duncan of Tipton, Ensley, Harness, Hurd, Macy, Marshall, and Moon. Total, 8.

So the bill passed.

Bryant, Cox,  
and of St. Jo-

Senator Fowler moved that those Senators present, Shively, voting be not excused from voting. Zimmerman.

The motion carried.

The title to the bill as read was adopted as the title to the act.

Senator Weir called up Senate Resolution No. 88, which was read, with the report of the committee thereon.

Senator Fowler moved to refer the resolution to the Committee on Claims.

Senator Weir moved to amend Senator Fowler's motion by referring said resolution to a select committee of five, of which committee Senator Fowler should be chairman.

The motion carried.

Senators Fowler, Weir, Duncan of Brown, Marshall and Macy were appointed said committee.

Senator Zimmerman called up Senate Bill No. 55, which was read a third time.

The question being, Shall the bill pass?

The roll was called and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Branaman, Bryant, Cox, Day, Hale, Howard of Decatur, Howard of St. Joseph, McClure, McDonald, Mullinix, Sellers, Shively, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, and Mr. President. Total, 21.



ing in the negative were :

Senator Berry, Duncan of Brown, Fowler, French, Logsdon,  
*Resolved*, Schloss and Weir. Total, 7.

and all Senators present and refusing to vote were :

tions before, Drake, Dresser, Duncan of Tipton, Ensley, Harness,  
allowed at, Kennedy, Macy, Marshall and Moon. Total, 9.

ators. Bill failed to pass for want of a constitutional ma-

Senator

ferred to two of those Senators refusing to vote on the question,

The motion: Bill No. 55 pass? were called the second time, and  
persisted in their refusal to vote.

Senator Bailey moved that they be excused from voting.

Swamp, Motion carried.

Mr. J

Senator Sellers called up Senate Bill No. 334, which was read  
a second time, with the report of the committee.

The report of the committee was concurred in.

Senator Sellers offered the following amendment to Senate  
Bill No. 334:

MR. PRESIDENT :

I move to amend Senate Bill No. 334 by striking out the last  
clause of section 5 and inserting in lieu thereof the following :  
"One-half of such fees shall be paid into the school fund of the  
county in which such licenses are obtained, the remainder  
thereof to be held by such county as a fund to be used only in  
constructing, repairing or maintaining free gravel or macadam-  
ized roads," and by adding to the title thereof the following  
words : "Being sections 5312, 5313, 5316, 5317 and 5318 of the  
Revised Statutes of 1881."

Senator Trippet offered the following amendment to Senator  
Sellers's amendment to Senate Bill No. 334 :

MR. PRESIDENT :

I move to amend the amendment by striking out all that part  
of the amendment after the words "to be" and including the  
word "roads," and insert in lieu thereof "paid into the county  
fund."

The amendment to the amendment was adopted.

The question recurring on the motion to adopt Senator Sellers's amendment as amended.

The motion carried, and the amendment as amended was adopted.

Senator Bailey moved that Senate Bill No. 334 be recommitted to the Committee on Temperance.

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Branaman, Bryant, Cox, Duncan of Brown, Fowler, French, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Schloss, Sellers, Shively, Thompson of Marion, Trippet, Urmston, Weir and Zimmerman. Total, 22.

Those voting in the negative were :

Senators Berry, Day, Mullinix, Peterson, Tharp, and Mr. President. Total, 6.

Those present and refusing to vote were :

Senators Drake, Dresser, Duncan of Tipton, Ensley, Harness, Macy, and Moon. Total, 7.

So the motion carried.

Senator Fowler moved that those Senators who were present and refusing to vote be not excused from voting.

The motion carried.

Senator Bailey called up Senate Bill No. 337.

Which was read with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

Senator Fowler called up Senate Bill No. 211.

Which was read a third time.

The question being, Shall the bill pass ?

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Schloss, Sellers, Shively, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman, and Mr. President. Total, 28.

Voting in the negative, none.

Those present and refusing to vote were:

Senators Davis, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Kennedy, Macy, and Moon. Total, 9.

So the bill passed.

Senator Fowler moved that those Senators who were present and refusing to vote be not excused from voting.

The motion carried.

The title to the bill was adopted as the title to the act.

Senator French called up Senate Bill No. 315, which was read, with the report of the committee thereon.

The report was concurred in.

The bill was ordered engrossed.

Senator Bailey called up Senate Bill No. 335, which was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The question being, Shall the bill be engrossed ?

The motion carried.

Senator Thompson of Marion moved that when the Senate adjourn it adjourn until 10 o'clock to-morrow morning.

The motion carried.

On motion of Senator Weir the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

## WEDNESDAY MORNING.

MARCH 2, 1887.

The Senate met in regular session at 10 o'clock.

Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by Senator Smith of Wells.

On motion of Senator Schloss, the reading of the journal was dispensed with.

Senator Schloss, from the special committee on Senate Bill No. 309, made the following report:

MR. PRESIDENT:

Your special committee, to whom was referred Senate Bill No. 309, have had said bill under consideration, and recommend that said bill be amended as follows: In section 3 strike out all after the word "provided," in said section. Also, in section 5, strike out "if over fifty in number," and when so amended, recommend that said bill do pass.

Report concurred in.

Senator Zimmerman, from the Committee on Banks, made the following report on Senate Bill No. 56:

MR. PRESIDENT:

Your Committee on Banks, to whom was referred Senate Bill No. 56, introduced by Senator Bailey, have considered the same, and offer the accompanying as a substitute for said bill, and recommend that it do pass:

The following is the substitute bill:

An act to regulate the business of banking under the laws of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That every person, partnership, or corporation, now engaged, or that may hereafter engage, in the business of banking under the laws of this State, by receiving money on deposit, buying and selling bills of exchange, or promissory notes, o

discounting the same; or buying gold or silver coin, bullion, uncurrent moneys, bonds, stocks or other securities, shall be deemed a banker, and subject to the provisions of this act.

SEC. 2. If any person or any member of any partnership or corporation engaged in banking under the laws of this State, or any officer, or agent thereof, shall take or receive and deposit into the bank of any such person, partnership, or corporation, from any person, or persons, whomsoever, when said person, partnership, or corporation shall be in failing circumstances, insolvent, or in contemplation of insolvency; or if any person, or member of any partnership or corporation engaged in banking in this State, shall draw any check, draft, or bill of exchange, upon any person or member of any firm or corporation engaged in banking, either within or without this State, without providing for the payment of the same, every person so offending shall be deemed a felon, and upon conviction thereof shall be fined any sum not exceeding double the amount of deposit so received, and be imprisoned in one of the State's prisons, at hard labor, not less than two nor more than fourteen years, and disfranchised for any determined period.

Senator Bryant, from the Committee on County and Township Business, made the following report on Senate Bill No. 256:

MR. PRESIDENT:

Your Committee on County and Township Business, to whom was referred Senate Bill No. 256, have had the same under consideration, and recommend that the same be indefinitely postponed.

Also, on Senate Bill No. 301:

MR. PRESIDENT:

Your Committee on County and Township Business, to whom was referred Senate Bill No. 301, have had the same under consideration, and recommend that the same be indefinitely postponed.

Also, on Senate Bill No. 310:

**MR. PRESIDENT:**

Your Committee on County and Township Business, to whom was referred Senate Bill No. 310, have had the same under consideration, and recommend that the same be indefinitely postponed.

Senator Peterson, of the Committee on Roads, reported on Engrossed House Bill No. 66, as follows:

**MR. PRESIDENT:**

Your Committee on Roads, to whom was referred Engrossed House Bill No. 66, have had the same under consideration and recommend that the same be indefinitely postponed.

Also, on Senate Bill No. 332:

**MR. PRESIDENT:**

Your Committee on Roads, to whom was referred Senate Bill No. 332, introduced by Senator Rahm, have had the same under consideration and recommend that it be indefinitely postponed.

Also, on Engrossed House Bill No. 146:

**MR. PRESIDENT:**

Your Committee on Roads, to whom was referred Engrossed House Bill No. 146, have had the same under consideration and recommend that it be indefinitely postponed.

Senator Rahm, from the special committee on Senate Bill No. 141, made the following report:

**MR. PRESIDENT:**

Your committee, to whom was referred Senate Bill No. 141, introduced by Senator Shroyer, have had the same under consideration, and direct me to report the same back to the Senate with the following amendments:

That the following, viz.: section 5, should be inserted in the said bill:

**SEC. 5.** All insane paupers in each of the county asylums in the said districts shall be taken to the Insane Hospital within their respective districts, by the Superintendent of the County

Asylum, in such numbers and with such assistants as the Board of Commissioners of the county shall direct; for which he shall be allowed five cents per mile for such pauper attendant and himself for going to the Insane Hospital, and the same rate per mile for himself and attendant in returning from such Insane Hospital, which shall be shown by the return of the Superintendent of the County Asylum, made under oath, to the Board of Commissioners, showing the names and number of insane paupers and attendants upon each trip to the Insane Hospital, and the number of miles actually traveled. The cost specified in this section shall be paid out of the county treasury of the proper county, upon its allowance by the Board of Commissioners and the order of the County Auditor.

Also, that sections 5, 6, 7 and 8 shall be known respectively as 6, 7, 8 and 9, and that when so amended recommend that it do pass.

Report of the committee concurred in.

Senator Rahm moved that the amendments to Senate Bill No. 141 be engrossed.

The motion carried.

Senator McDonald called up Senate Bill No. 243.

Which was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The bill was ordered engrossed.

Senator Sellers moved that Engrossed House Bill No. 290 be referred to the Committee on Judiciary.

The motion carried.

Senator Sellers, from the Committee on Judiciary, reported on Senate Bill No. 48 as follows:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 48, introduced by Senator Schloss, having had the same under consideration, begs leave to submit the following report:

Your committee recommends that said bill be amended as follows: Add to section 2 the following: "They shall also perform all the duties now required by law to be performed by Justices of the Peace and Clerks of the Circuit Court in the holding of inquests of insanity upon applications for the admission of persons of unsound mind to the Hospital for the Insane, and in performing such duties shall be governed by the provisions of the laws now in force prescribing the duties of Justices of the Peace and Clerks of Circuit Court in relation to such inquests, and such laws are hereby repealed insofar as they require the performance by Justices and Clerks of duties in relation thereto," and when said bill is so amended that it do pass.

Also, majority and minority reports on Senate Bill No. 331, as follows:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 331, introduced by Senator Howard, having had the same under consideration, begs leave to submit the following report: Your committee recommends that said bill be passed.

MR. PRESIDENT:

A minority of your Committee on Judiciary, having considered Senate Bill No. 331, begs leave to report recommending that said bill be indefinitely postponed.

I. H. FOWLER.

Also, on House Bill No. 290:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred House Bill No. 290, having considered the same, begs leave to report the following:

Your committee recommends that section 1 of said bill be amended by striking out of said section the words "against said town," and that when said bill be so amended that it do pass.



Senator Bailey introduced Senate Bill No. 339, entitled :

An act to make Ground-Hog Day a public holiday in honor of the election of Hon. David Turpie as U. S. Senator, on February 2, 1887, and declaring an emergency.

Read first time and referred to Committee on Military Affairs.

Senator Bailey, from the Committee on Elections, made the following report :

MR. PRESIDENT :

Your Committee on Elections would respectfully report that there is due and owing to Frank Pritchett, Door-keeper of this Senate, the following fees for services rendered before your said committee, as follows :

For expenses, mileage, service and return of subpoena made in the contested election case of David H. Patton vs. Simon P. Thompson, the sum of.....	\$63 80
And in the contested case of George A. Carr against A. M. Kennedy, the sum of.....	17 10
Making a total due and owing to said Pritchett of.....	<u>\$80 90</u>

The subpoenas and items of expense are attached to this report, made a part hereof and marked "Exhibit A."

Your committee would further recommend the adoption of the following resolution, to-wit: Resolution No. 91 :

*Resolved*, That Frank Pritchett be and is hereby allowed the sum of eighty dollars and ninety cents, to be paid out of the funds appropriated to meet the current expenses of the Fifty-fifth General Assembly of the State of Indiana, and the Assistant Secretary and President of this Senate are hereby directed to make out and sign their certificate accordingly.

Report concurred in and resolution adopted.

Senator Sellers moved that the roll be called and each Senator be allowed to call up one bill for action.

The motion carried.

Senator Bailey called up Senate Bill No. 335, w  
a third time.

Senator French moved to refer that part of S  
335 relating to the appropriation for the State  
committee of one for amendment, being item 12 of

The motion carried.

Senator Duncan of Brown was appointed

Senator Duncan of Brown, to whom was referred item 12 of  
Senate Bill No. 335, made the following report:

MR. PRESIDENT :

I move to substitute the following for lines 124, 125 and 126  
in Senate Bill No. 335 :

For the State University, at Bloomington, annually, \$23,000,  
this being required already by statute. It is further directed  
that the first installment of this appropriation, of \$11,500, be  
paid on the first day of November, 1887, and that the second  
installment, of \$11,500, be paid on the first day of May, 1888,  
and that the future installments be paid regularly at the begin-  
ning of the half of the fiscal year to which they belong, namely,  
on the first day of November and the first day of May, and this  
shall not be deemed to be additional to the continuing appro-  
priation for said University, but shall include the same.

Senator Weir offered the following resolution :

WHEREAS, Certain supplies having been purchased by the  
Door-keeper of the Senate, for the use of the Senate, the follow-  
ing bills, viz. :

Indianapolis Ice Co.....	\$7 70
J. S. Farrell & Co.....	3 80
Chas. H. Wood.....	3 60
Total.....	\$15 10

Tnerefore, be it

*Resolved*, That there be allowed to the Indianapolis Ice Co.,  
\$7.70; to J. S. Farrell & Co., \$3.80, and to Chas. H. Wood,  
\$3.60, and that the Assistant Secretary of the Senate draw his  
order for the sum due each person.

Adopted.

Senator Weir, from the Committee on Claims, made the following report on Senate Bill No. 328 :

MR. PRESIDENT :

Your committee, to whom was referred Senate Bill No. 328, introduced by Senator DeMotte, have had the same under consideration, and direct me to report the same back to the Senate with the recommendation that it do pass.

Also, on Senate Bill No. 313 :

MR. PRESIDENT :

Your committee, to whom was referred Senate Bill No. 313, introduced by Senator Winter, have had the same under consideration, and direct me to report the same back to the Senate with the recommendation that it be indefinitely postponed.

Also, on Senate Bill No. 283 :

MR. PRESIDENT :

Your committee, to whom was referred Senate Bill No. 283, introduced by Senator DeMotte, have had the same under consideration, and direct me to report the same back to the Senate, with the recommendation that it do pass.

Also, on Senate Bill No. 219, as follows :

MR. PRESIDENT :

Your committee, to whom was referred Senate Bill No. 219, introduced by Senator Winter, have had the same under consideration, and direct me to report the same back to the Senate, with the recommendation that it be laid upon the table.

Also, on Senate Bill No. 272 :

MR. PRESIDENT :

Your committee, to whom was referred Senate Bill No. 272, introduced by Senator Winter, have had the same under consideration, and direct me to report the same back to the Senate, with the recommendation that it be laid upon the table.

Also, on Senate Bill No. 312 :

**MR. PRESIDENT :**

Your committee, to whom was referred Senate Bill No. 312, introduced by Senator Winter, have had the same under consideration, and direct me to report the same back to the Senate, with the recommendation that it be indefinitely postponed.

Senator Thompson of Marion, from the Committee on Cities and Towns, made the following report on House Bill No. 7 :

**MR. PRESIDENT :**

Your Committee on Cities and Towns, to whom was referred House Bill No. 7, have had the same under consideration, and instruct me to report it back to the Senate, with the recommendation that the bill do pass.

Senator Barrett moved that Senate Bill No. 335 be referred to a special committee of three, with instructions regarding item 12 of said bill.

The motion was carried.

Senators Barrett, Weir and Duncan of Brown were appointed as said committee.

Senator Barrett, from the special committee to whom Senate Bill No. 335 was referred, offered the following report :

**MR. PRESIDENT :**

Your committee, to whom was referred Senate Bill No. 335, with instructions to amend said bill, begs leave to report that they have amended said bill, in accordance with instructions, by striking out lines 124, 125 and 126, and by substituting in lieu thereof the following: For the State University at Bloomington, twenty-three thousand dollars, annually, one-half of which shall be payable November 1, 1887, and each year thereafter, and the other half on May 1 of each year, which sum shall be in lieu of the amount now allowed by law, and not in addition thereto.

The report was concurred in.

The question being, Shall Senate Bill No. 335 pass?

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of St. Joseph, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Weir, Zimmerman, and Mr. President. Total, 27.

Voting in the negative, Senator Urmston. Total, 1.

Those present and refusing to vote were .

Senators Campbell, DeMotte, Drake, Duncan of Tipton, Ensley, Harness, Johnson, Kennedy, Macy, Marshall, Moon, and Winter. Total, 12.

So the bill passed.

Senator Fowler moved that those Senators who were present and refusing to vote on the question, Shall Senate Bill No. 335 pass? be not excused from voting.

The motion carried.

The title to the bill as read was adopted as the title to the act.

Senator Smith of Wells offered the following resolution:

MR. PRESIDENT:

WHEREAS, The Democratic Senators of the Fifty-fifth General Assembly of the State of Indiana, have done all in their power to pass the necessary loan and appropriation bills, together with other needed legislation; and,

WHEREAS, The Republican members of the House of Representatives have passed a resolution locking the door of the House on the Senate so far as to completely block all further legislation; and,

WHEREAS, The Republican party, by their Representatives in the lower branch of the present General Assembly, have declared that they will not have any further business relations with the Senate; therefore, be it

*Resolved*, That the Senate do now adjourn *sine die*.

Read and referred to Committee on Judiciary.

Senator Barrett called up Senate Bill No. 337, which was read a third time.

Senator Fowler moved that the bill be referred to a special committee of five.

The motion carried.

Senators French, Weir, Fowler, Barrett and Schloss were appointed as said committee.

On motion of Senator Bailey, the Senate adjourned.

### AFTERNOON SESSION.

MARCH 2, 1887.

The Senate met, pursuant to adjournment, at 2 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Senator French reported Senate Bill No. 337 back to the Senate without action.

Senator Fowler moved that the Senate go into the Committee of the Whole for the purpose of considering Senate Bill No. 337.

The motion carried.

The President of the Senate called Senator Tharp to the chair to act as chairman during the consideration of said bill by the Committee of the Whole.

The Senate was called to order by the President of the Senate.

Senator Tharp, Chairman of the Committee of the Whole, offered the following report:

MR. PRESIDENT:

The Committee of the Whole, who have had the Specific Appropriation Bill under consideration, the same being Senate Bill No. 337, begs leave to report that they have made the following amendments:

On motion of Senator Weir, item 1 up to line 23 was adopted.

Senator Schloss moved that all of item 1, from line 23 to 29, be adopted.

The motion carried.

Item 2 was read.

Senator Weir moved that lines 30, 31 and 32 be stricken out.

The motion carried.

Senator Weir moved that lines 33, 34 and 35 be stricken out.

The motion carried.

Senator Schloss moved that item 3 to line 41 be adopted.

Motion carried.

Senator Weir moved that that part of item 3, in lines 41, 42, 43 and 44, be adopted.

Motion carried.

Senator Weir moved that that part of item 3, in lines 45, 46 and 47, be adopted.

Motion carried.

Senator Weir moved that that part of item 3, in lines 48 and 49, be adopted.

Senator Urmston moved to amend by striking out the word "ten," and inserting the word "twenty" in line 49.

Motion carried and amendment adopted.

Lines 50 and 51 of item 3 were adopted.

Senator Schloss moved to add to line 53 of item 3 the words, "For Department of Natural Science, one thousand dollars."

Motion carried and amendment adopted.

Senator Weir moved that lines 54, 55 of item 3 be adopted.

Motion carried.

The item was adopted as amended.

Senator Zimmerman moved to amend item 3, the following: "For enlarging and repairing the Chapel at the Reformatory School for Boys at Plainfield, thirty-five hundred dollars."

The amendment was adopted.

Senator Weir moved that the bill as amended be adopted.

Motion carried.

On motion of Senator Weir the Committee of the Whole arose and reported.

The report was adopted and the amendments were ordered engrossed.

The question being, Shall Senate Bill No. 337 pass as amended by the Committee of the Whole?

The roll was called and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, French, Griffith, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Weir; Zimmerman, Mr. President. Total, 28.

Those voting in the negative were:

Senators Fowler, Sellers, Trippet. Total, 3.

Those present and refusing to vote were:

Senators Davis, DeMotte, Duncan of Tipton, Ensley, Harness, Kennedy, Macy, Marshall, Moon, Winter. Total, 8.

So the bill passed.

The President of the Senate ordered that the names of those Senators present and refusing to vote on the question, Shall Senate Bill No. 337 pass? be called the second time, which was done, and they still persisted in their refusal to vote.

Senator Schloss moved that those Senators refusing to vote be not excused from voting.

The motion carried.



Senator Barrett offered the following motion :

MR. PRESIDENT :

I move to reconsider the vote by which Senate Bill No. 61 was passed.

Senator Fowler, from special committee on Senate Resolution No. 88, made the following majority and minority reports :

MR. PRESIDENT :

Your special committee, to whom was referred Senate Resolution No. 88, would report that we have had the same under consideration, and a majority begs leave to report the same back to the Senate, recommending that said resolution be adopted.

The following is the minority report :

MR. PRESIDENT :

Your special committee, to whom was referred Senate Resolution No. 88, would report that they have examined the matters contained in said resolution, and a minority recommends that the Secretary of the Senate be allowed three hundred dollars, and the Assistant Secretary of the Senate be allowed three hundred dollars.

The question being on the adoption of the majority report.

Senator Fowler moved to substitute the minority for the majority report.

The motion lost.

The question recurring on the motion to adopt the majority report.

The motion carried.

Senator French offered the following resolution, No. 94 :

*Resolved by the Senate*, That Frank Pritchett, Door-keeper of the Senate, be allowed the sum of \$58.05 in payment for services in subpoenaing witnesses to appear before the Senate Investigating Committee of the Insane Asylum, and the Assistant Secretary of the Senate is hereby authorized to draw his warrant in favor of said Pritchett for said sum.

Adopted.

Senator Weir moved to adopt Senate Resolution No. 88.

The motion carried, and the resolution was adopted.

Senator Weir, from the Committee on Claims, offered the following resolution, No. 95:

MR. PRESIDENT:

WHEREAS, certain supplies having been purchased by the Door-keeper of the Senate, for use of the Senate, the following bill, viz.: Carlon & Hollenbeck, for printing, \$1.50; therefore, be it

*Resolved*, That there be allowed to Carlon & Hollenbeck one dollar and fifty cents, and that the Assistant Secretary of the Senate draw his order for the same to the above firm.

Resolution adopted.

Senator Thompson of Marion presented House Bill No. 200.

Which was read a first time.

Senator Weir raised the point of order that a House Bill could not be brought to the attention of the Senate in that way.

The point of order was sustained.

Senator Fowler offered Senate Resolution No. 96, as follows:

*Resolved*, That the Chief of Bureau of Statistics be, and he is hereby, requested to furnish to each Senator a copy of his last annual report, that the same be placed on their desks, and that the Secretary of the Senate furnish a copy of this resolution to said officer.

Adopted.

Senator Fowler offered the following communication from Webster Dixon, Principal Secretary of the Senate:

*To the Honorable Senate of Indiana:*

I, Webster Dixon, Secretary of the Senate, beg leave to respectfully submit to your honorable body the following report, to-wit:

That on this, the 2d day of March, 1887, I went to the Hall of the House of Representatives with the following message, to-wit:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bill No. 335, a bill making annual appropriations for the State Government and its institutions for the fiscal year beginning November 1, 1887, and ending October 31, 1888, and each year thereafter, beginning on the 1st of November and ending October 31st of each year.

Also, that the Senate has passed Engrossed Senate Bill No. 267, a bill prohibiting the maintenance of dams without fish-ladders.

Also, that the Senate has passed Engrossed House Bill No. 15, a bill to amend section 3 of an act entitled an act to authorize Boards of County Commissioners to construct free turn-pikes in certain cases.

Also, that the Senate has passed Engrossed Senate Bill No. 211, a bill to amend sections 1 and 3 of an act entitled an act prescribing certain duties of telegraph and telephone companies.

Also, that the Senate has passed Engrossed Senate Bill No. 119, a bill to legalize acts of Notaries Public whose commissions had expired, and the same are herewith transmitted to the House.

WEBSTER DIXON,  
Secretary of the Senate.

That I respectfully requested of the Door-keeper of the House admission to the hall of the House of Representatives to communicate said message to the House; that I was denied admission by said Door-keeper, who informed me that he was instructed by the House of Representatives and the Speaker thereof to deny admission to the Secretary of the Senate bearing official messages from the Senate.

WEBSTER DIXON,  
Secretary of the Senate.

On motion, the above communication was ordered spread of record on the journal.

Senator McDonald offered Senate Resolution No. 97, as follows:

**MR. PRESIDENT:**

I move the adoption of the following resolution, to-wit:

*Resolved*, That it is the sense of this Senate that at the proper time the Congress of the United States should pass a proper and well-defined "Service Pension Law," one that will do equal and exact justice to every good and faithful soldier who, at a certain age, shall be in any way incapacitated, in whole or in part, from personal support. That such law should be in the interests of the real worthy soldiers, who are deserving of such "Service Pensions;" that such a proper law will meet the full approbation of this Senate.

The resolution was made a special order for Saturday, March 5, at 10 o'clock.

Senator Sellers, from the Judiciary Committee, reported on Senate Bill No. 317 as follows:

**MR. PRESIDENT:**

Your Committee on Judiciary, to whom was referred Senate Bill No. 317, having considered the same, recommend that said bill be amended as follows:

Amend section 1 by striking out of line 10 all following the word "necessary," and the words "rock lodge obstruction," in line 11. Also, by striking out all of said section following the word "deeds," in line 15, as shown by the printed bill.

When such amendments shall have been made, your committee are of the opinion that said bill will contain nothing conflicting with any provision of the Constitution of Indiana.

The report of the committee was concurred in.

Senate Bill No. 317 was ordered engrossed.

Senator Barrett, from the Committee on Prisons, made the following report:

**MR. PRESIDENT:**

Your Committee on Prisons begs to report that in visiting the prisons they took with them the Door-keeper, the Commit-

tee Clerk, and a page. They also found it necessary, to accomplish the investigation within the limited time, to employ a stenographer to take and transcribe the evidence. The members of the committee and said Door-keeper, Clerk, page and stenographer, expended on said visits to the prisons the following sums, which should be allowed and paid to them :

J. M. Barrett.....	\$7 50
D. C. Bryant.....	7 00
T. E. Howard.....	9 40
O. A. Trippet .....	7 50
C. C. Duncan .....	7 00
R. B. Sears .....	8 50
Frank Pritchett.....	8 20
J. D. Youart.....	8 50
Harry Weir.....	6 75
Emma Salter.....	8 85
W. J. Davis.....	7 50

Your committee further recommend that Miss Emma Salter be allowed the further sum of \$20 for her services in taking and transcribing the evidence taken by the committee at the prisons.

Concurred in.

Senator Shively called up Senate Bill No. 213, which was read a third time.

The question being, Shall the bill pass?

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, French, Griffith, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Weir, Zimmerman, and Mr. President. Total, 26.

Voting in the negative :

Senator Fowler. Total, 1.

Those present and refusing to vote were :

Senators Davis, DeMotte, Duncan of Tipton, Harness, Johnson, Macy, Marshall, Moon, Winter. Total, 9.

So the bill passed.

Senator Barrett offered the following Resolution No. 98:

MR. PRESIDENT :

*Resolved*, That the members of the Committee on Prisons, and the following named persons be, and are hereby, allowed the sums set opposite their respective names, and the Assistant Secretary of the Senate is hereby directed to draw his warrant to each of said persons for said sum, to-wit :

J. M. Barrett.....	\$7 50
D. C. Bryant.....	7 00
T. E. Howard .....	9 40
O. A. Trippet.....	7 50
C. C. Duncan.....	7 00
R. B. Sears.....	8 50
Frank Pritchett.....	8 20
J. D. Youart.....	8 50
Harry Weir.....	6 75
Emma Salter.....	28 85
W. J. Davis.....	7 50

Resolution adopted.

On motion of Senator Fowler, those Senators who were present and refusing to vote on the question, Shall Senate Bill No. 218 pass? were not excused from voting.

The title to the bill as read was adopted as the title to the act.

Senator French, from the Committee on Finance, made the following report on Senate Resolution No. 87 :

MR. PRESIDENT :

Your committee, to whom was referred Senate Resolution No. 87, report the same back with the recommendation that it be adopted.

Senator Fowler moved that Resolution No. 87, and the report, be indefinitely postponed.

The motion was lost.

The question being on the motion to adopt Senate Resolution No. 87.

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were:

Senators French, Griffith, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Sellers, Shively, Smith of Wells, Thompson of Marion, Urmston, Weir, Zimmerman, and Mr. President. Total, 17.

Those voting in the negative were:

Senators Andrew, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, and Tharp. Total, 10.

Those present and refusing to vote were:

Senators Davis, DeMotte, Dresser, Duncan of Tipton, Harness, Johnson, Macy, Marshall, Moon, and Winter. Total, 10.

So the resolution was adopted.

On motion of Senator Thompson of Marion, the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

## THURSDAY MORNING.

MARCH 3, 1887.

The Senate met in regular session at 9:30 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by Senator Smith of Wells.

On motion of Senator Cox the reading of the journal was dispensed with.

The following communication was received from Wm. A. Peelle, Jr., Chief of the Bureau of Statistics:

*Hon. A. G. Smith, President of the Senate:*

SIR—In reply to the resolution of the Senate of yesterday requesting me to furnish copies of the last annual report of

this Bureau for the use of the Senate, I have the honor to state that I have this day complied with said resolution by causing to be laid on the desks of Senators the annual report of this department for 1884.

The law governing the printing of the reports of the Bureau was amended in 1885, making them now to be printed biennially instead of annually. The manuscript copy of the report for 1885-6 is now in the hands of the Public Printer, where it has been since the middle of December. The Public Printer informs me that it is impossible for him to continue work on it until he gets through with the Legislative printing.

I am, respectfully,

WM. H. PEELLE, JR.,  
Chief of the Bureau of Statistics.

Senator Sellers moved to reconsider the vote by which Resolution No. 87 was adopted.

The question being on the motion to reconsider the vote by which Senate Bill No. 61 passed.

The motion carried.

Senator Weir moved to reconsider the vote by which Senate Bill No. 61 was ordered engrossed.

The motion carried.

Senate Bill No. 61 was referred to Senators Rahm, Tharp and Bailey, as a special committee.

Senator Fowler moved to reconsider the vote by which Senate Bill No. 236 passed the Senate.

The question being, Shall the Senate reconsider the vote by which Senate Bill No. 236 passed the Senate?

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Fowler, French, Griffith, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Zimmerman, and Mr. President. Total, 25.



Those voting in the negative were :

Senators Day, Duncan of Brown, Hale, Howard of St. Joseph, and Weir. Total, 5.

Those present and refusing to vote were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Johnson, Kennedy, Macy, Marshall, Moon, and Winter. Total, 13.

So the motion carried.

Senator Tharp called up Senate Bill No. 29.

On motion of Senator Weir, the consideration of Senate Bill No. 29 was postponed until 2 o'clock this evening, and that it be made a special order for that hour.

Senator Smith of Wells made the following motion :

**MR. PRESIDENT :**

Believing that courtesy demands that the present General Assembly should make a friendly call on Mrs. Thomas A. Hendricks, widow of Indiana's noted and beloved and now lamented son ; therefore, I move that the Senators do call on this distinguished and beloved lady at 5 o'clock p. m., March 3, 1887, and that the President of the Senate appoint a committee of five Senators to notify Mrs. Hendricks of their desires, provided this motion is adopted.

Adopted.

The President of the Senate appointed Senators Smith of Wells, Day, Trippet, Tharp, Bailey, and Thompson of Marion, as said committee.

Senator Day called up House Bill No. 223, which was read a third time.

The question being, Shall the bill pass?

The roll being called resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix,

Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman, and Mr. President. Total, 31.

Those voting in the negative, none.

Those present and refusing to vote were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Johnson, Kennedy, Macy, Marshall, Moon and Winter. Total, 14.

So the bill passed.

The title to the bill as read was adopted as the title to the act.

Senator Bryant called up House Concurrent Resolution No. 11, which was read.

The resolution was adopted.

Senator Thompson of Marion called up House Bill No. 294, which was read a third time.

The question being, Shall the bill pass?

The ayes and noes were ordered and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman, and Mr. President. Total, 31.

Voting in the negative, none.

Those present and refusing to vote were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Johnson, Kennedy, Macy, Marshall, Moon and Winter. Total, 14.

So the bill passed.

The title to the bill as read was adopted as the title to the act.

Senator Fowler offered the following motion :

**MR. PRESIDENT :**

I move to recommit Senate Bill No. 185 to a special committee of one, with instructions to amend said bill as follows, to-wit: Insert in line 2, after the word "foreign," the words "life or fire."

Motion carried, and Senator Fowler was appointed as said committee.

Senator McDonald called up House Concurrent Resolution No. 14.

The question being, Shall the Senate adopt said resolution?

The ayes and noes were demanded and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Howard of St. Joseph, McDonald, Mullinix, Peterson, Rahm, Schloss, Smith of Wells, Thompson of Marion, Weir, Zimmerman, and Mr. President. Total, 21.

Those voting in the negative were :

Senators Barrett, Hale, Logsdon, McClure, Sellers, Shively, Tharp, Trippet, Urmston. Total, 9.

Those present and refusing to vote were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Johnson, Kennedy, Macy, Marshall, Moon, and Winter. Total, 14.

Resolution adopted.

Senator Fowler offered the following report from a special committee :

**MR. PRESIDENT :**

Your special committee, to whom was referred Senate Bill No. 185, with instructions, would report: Amend said bill by inserting after the word "foreign," in line 2, the words "life or fire," and when so amended that the bill do pass.

Concurred in.

Senator Weir, from the Committee on Claims, made the following report :

**MR. PRESIDENT :**

**WHEREAS,** The Senate of Indiana has authorized the Door-keeper to purchase supplies for the Senate: therefore,

*Resolved,* That the following bill, viz.:

Mrs. Annie Aug for washing towels..... \$4 80

be allowed, and the Assistant Secretary of the Senate is hereby authorized to draw his order for the amount of five dollars and seventy cents to the person named :

State of Indiana debtor to Mrs. Annie Aug—

For washing 80 towels at 6c ..... \$4 80

For washing 15 towels at 6c ..... 90

Total ..... \$5 70

Resolution adopted.

Senator Zimmerman offered the following resolution :

**WHEREAS,** The various labor organizations of the State of Indiana have earnestly prayed for, and rightfully anticipated of, this General Assembly needful legislation on the question of abolishing in this State “contract convict labor;” and,

**WHEREAS,** This session is now rapidly drawing to a close without any visible prospect of this Legislature giving due consideration to this important subject; and,

**WHEREAS,** The employment of convicts in various important manufactures of this State, at the nominal contract price paid by the highest bidder, establishes an unfair and injurious competition between the factories and workshops in which free and respectable men and women are employed; and,

**WHEREAS,** The low and merely nominal prices paid by the contractors for the labor of penitentiary convicts materially influence and lower the wages of free laborers and working men employed in similar workshops and factories; and,

**WHEREAS,** The very fact that the labor of a convicted criminal and felon should be permitted by this State to enter into competition with the labor of a free and respectable citizen,

and diminishing his ability to provide for his family and educate his children, is humiliating to the free laborer, and an injustice and wrong to his family; and,

*WHEREAS*, It is the paramount duty of the State to protect both the material interests and the dignity of its citizens; and,

*WHEREAS*, The pretext of making our State prisons self-sustaining, by letting out the labor of the convicts, is no excuse for injuring the private rights and lowering the wages of honest citizens; therefore, be it

*Resolved*, That the present system of letting out under contract the labor of convicts has created a class of cheap slave labor, inflicting serious injuries upon free labor and the industries in which it is employed, and that a speedy remedy should be provided for.

*Resolved*, That a committee of three members of this Senate holding over be appointed by the Chair to thoroughly investigate the present contract convict labor system, with a view to its final abolishment, and to devise means and plans of utilizing the employment of convicts as may contribute to the maintenance and support of the penitentiaries without interfering or entering into competition with the labor and compensation of free laborers and citizens.

*Resolved*, That, to the end that the result of the labors of said committee may accomplish the salutary purpose, to be empowered, if it deem necessary, to send for persons and papers, and that it may visit the penal institutions of other States where contract convict labor has been partially or wholly abolished.

*Resolved*, That said committee shall report by bill or otherwise to this General Assembly at its next special session, if there be one, or to the General Assembly of 1889.

Referred to Committee on Prisons.

The President of the Senate announced that he had received Senate Bill No. 3 from the Governor, which he has signed.

Senator Rahm, from the select committee appointed on Senate Bill No. 61, reported as follows:

**MR. PRESIDENT:**

Your special committee, to whom was referred Senate Bill No. 61, begs leave to report that we have had the same under due consideration, and report the following amendment to said bill, to-wit:

Strike out in section 1, line 5, all after the figures \$30,000; also, strike out lines 6 and 7 in said section, and when so amended that the bill do pass.

The report was concurred in.

Senator Rahm moved that Senate Bill No. 61 be considered as engrossed.

The motion carried.

Senator Andrew called up Senate Bill No. 172, which was read a third time.

The question being, Shall the bill pass?

The roll being called resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Duncan of Brown, Fowler, French, Griffith, Howard of Decatur, Howard of St. Joseph, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman and Mr. President. Total, 28.

Voting in the negative, none.

Those present and refusing to vote were:

Senators Campbell, Davis, DeMotte, Drake, Duncan of Tip-ton, Ensley, Harness, Johnson, Kennedy, Macy, Marshall, Moon. Total, 12.

So the bill passed.

The title to the bill as read was adopted as the title to the act.

Senator Thompson of Marion offered Senate Resolution No. 102 :

*Resolved*, That John J. Lingle, the painstaking and efficient Journal Clerk, be and he is hereby allowed one dollar per day extra during the session, and the President of the Senate is hereby authorized to draw his warrant therefor.

Senator Bailey moved to amend by adding the names of John D. Megee and Geo. H. Carr to the resolution.

Senator Tharp offered the following amendment to the amendment as follows :

I move to amend by adding the names of J. N. Orr and J. H. Spencer.

Senator Trippet moved to lay the amendments on the table.  
The motion carried.

Senator Fowler, from the Committee on Enrolled Bills, made the following report :

**MR. PRESIDENT :**

Your Joint Committee on Enrolled Bills would report that they have delivered to the Governor for his consideration Enrolled Senate Act No. 3, which act has been properly enrolled, and signed by the Speaker of the House, Hon. Warren G. Sayre, and the President of the Senate, Hon. Alonzo G. Smith.

Senator McClure called up Senate Bill No. 323, which was read a third time.

Senator Smith of Wells offered the following report from the Committee on Phraseology :

**MR. PRESIDENT :**

Your Committee on Phraseology, to whom was referred En-grossed Senate Bill No. 326, have examined the same, and recommend the following for the title of the act :

An act entitled an act to amend section 4 of an act entitled an act for the encouragement of agriculture, and authorizing the Indiana State Board of Agriculture to purchase, hold and sell real estate; legalizing the purchase by said Board of certain lands in Marion County; exempting the property of said Board from taxation; authorizing the County Treasurer of

Marion County, and the Treasurer of State to refund certain taxes, and making an annual appropriation for the use of said Board; approved March 3, 1865, the same being section 2623 of the Revised Statutes of 1881.

The report was concurred in.

Senator Peterson, from the Committee on Roads, made the following report :

MR. PRESIDENT :

Your Committee on Roads, to whom Engrossed House Bill No. 146 was referred, have had the same under consideration, and recommend that it do pass.

Senator Cox introduced Senate Resolution No. 103, which was referred to the Committee on Finance.

Senator Howard of Decatur, from the Committee on Executive Appointments, made the following report :

MR. PRESIDENT :

Your Committee on Executive Appointments have had under consideration the appointment, by the Governor, of Levi A. Barnett, of Hendricks County, and Lewis Jordon, of Marion County, Commissioners of the Indiana Reform School for Boys, and to serve as such for a term of four years from the 23d day of February, 1867, and until their successors shall be appointed and qualified, and recommend that the same be confirmed.

Report of the committee concurred in.

On motion of Senator Fowler the Senate adjourned.



## AFTERNOON SESSION.

MARCH 3, 1887.

The Senate met, pursuant to adjournment, at 2 o'clock.

Hon. A. G. Smith, President of the Senate, in the chair.

A roll call of the Senate was ordered, and twenty-eight Senators were found to be present who answered to their names. The Republican Senators present refusing to answer to their names.

On motion of Senator Weir the further calling of the roll was discontinued.

Senator Fowler, from the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :

Your Joint Committee on Enrolled Bills would report that the chairman of said committee attempted to communicate to the chairman of the Joint Committee on Enrolled Bills in the House a message, that the Senate Joint Committee had delivered to the Governor for his consideration Enrolled Senate Act No. 3, but was denied admission by the Door-keeper of the House, and your joint committee ask that this report be spread on the Journal of the Senate.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, March 3, 1887. }

*To the Honorable, the President of the Senate :*

By the direction of the Governor, I have the honor to inform the Senate that he has received and approved Senate Enrolled Act No. 3, and has caused the same to be filed in the office of the Secretary of State.

PIERRE GRAY,  
Private Secretary.

Also,

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, March 2, 1887. }

*Gentlemen of the Senate:*

Pursuant to the provisions of the Revised Statutes of 1881, section 6163, I have the honor to appoint Mrs. Eliza C. Hendricks, of Marion County, and Mrs. Claire A. Walker, of Marion County, members of the Board of Managers of the Indiana Reformatory Institution for Women and Girls, and to serve as such for a term of four years from the 3d day of March, 1887, and until their successors shall have been appointed and qualified; and I now submit such appointments to the Senate for its confirmation.

ISAAC P. GRAY,  
Governor.

Which messages were read.

Senator Weir moved that the appointment of Mrs. Eliza C. Hendricks, of Marion County, and Mrs. Claire A. Walker, of Marion County, be confirmed as members of the Board of Managers of the Indiana Reformatory Institution for Women and Girls.

The motion carried.

Senator McClure moved that Senate Bill No. 323 be referred to the Committee on Corporations.

The motion carried.

Senator Tharp called up Senate Bill No. 29.

The report of the committee was concurred in.

The question being, Shall the bill pass?

The roll being called resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Bryant, Cox, Day, Duncan of Brown, Fowler, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Thompson of Marion, Tharp, Trippet, Weir, Zimmerman and Mr. President. Total, 26.

Those voting in the negative were :

Senators Berry, Griffith and Urmston. Total, 3.

Those present and refusing to vote were :

Senators Davis, Drake, Dresser, Ensley, Harness, Johnson, Kennedy, Macy, Moon, Shroyer and Winter. Total, 11.

So the bill passed.

Senator Fowler moved that the Senators present and refusing to vote on the question, Shall Senate Bill No. 29 pass? be not excused from voting.

The motion carried.

The title to the bill as read was adopted as the title to the act.

Senator Bryant called up Senate Bill No. 310.

Senator Bryant moved that the bill be referred to the Committee on County and Township Business.

The motion carried.

Senator Fowler offered the following communication from Webster Dixon, Principal Secretary of the Senate :

*To the Honorable Senate of Indiana :*

I, Webster Dixon, Secretary of the Senate, beg leave to respectfully submit to your honorable body the following report : That on the third day of March, 1887, I bore to the House of Representatives the following message to-wit :

**MR. SPEAKER :**

I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bill No. 57, a bill prohibiting the obstruction of ditches or drains.

Also, that the Senate has passed Senate Engrossed Bill No. 213, a bill providing for collecting reports of births, deaths, marriages, etc.

Also, that the Senate has passed Engrossed House Bill No. 223, a bill to legalize the acts and proceedings of the officers of the town of Salem, Washington County, Indiana.

Also, that the Senate has passed Engrossed House Bill No. 294, a bill to legalize the incorporation of the town of Windfall City, Tipton County, Indiana, etc.

Also, that the Senate has passed Engrossed Senate Bill No. 172, a bill prohibiting the employment of any child under the age of fourteen years, by any firm, company, corporation or association engaged in mining coal or other minerals.

Also, that the Senate has passed Engrossed House Concurrent Resolution No. 14, relative to the fitting up of a room in the State House for the use of the Adjutant General of the Grand Army of the Republic.

Also, the Senate has passed Engrossed House Concurrent Resolution No. 11, relative to the Secretary of State selling the Revised Statutes now on hand at \$1.50 each, etc.

Also, that the Senate has passed Engrossed Senate Bill No. 326, a bill to amend section 4 of an act entitled an act for the encouragement of agriculture.

Also, that the Senate has passed Engrossed Senate Bill No. 337, a bill making appropriations for the State Government and its institutions, for the fiscal year commencing November 1, 1886, and ending October 31, 1887, and the same are herewith transmitted to the House.

Also, that the Senate has reconsidered its vote by which it passed Engrossed Senate Bill No. 236, entitled: "An act to index the records of the Supreme Court of Indiana," etc., and respectfully requests of the House to return said bill to the Senate.

WEBSTER DIXON,  
Secretary of the Senate.

That I respectfully requested of the Door-keeper of the House admission to the hall of the House of Representatives to communicate said message to the House, but that said Door-keeper denied me admission, and informed me that he was instructed by the House of Representatives and the Speaker thereof to deny admission to the Secretary of the Senate bearing official messages from the Senate.

WEBSTER DIXON,  
Secretary of the Senate.

MARCH 3, 1887.

On motion of Senator Fowler the foregoing communication was ordered spread of record on the journal.

Senator Cox made the following motion :

MR. PRESIDENT :

I move that Engrossed Senate Bill No. 90 be recommitted to a select committee of one, with instructions to amend by striking out of lines 7 and 8, in section 1, the following words: "Signed by two or more patrons thereof," and insert in lieu thereof the following: "The Trustee of the township in which such school is located."

The motion carried.

Senator Cox was appointed as said special committee.

Senator Cox made the following report from a select committee:

MR. PRESIDENT :

Your select committee, to whom was referred Engrossed Senate Bill No. 90, begs leave to report that your committee has amended said bill by striking out of lines 7 and 8, in section 1, the words "signed by two or more patrons thereof," and inserting in lieu thereof the following words: "The Trustee of the township in which such school is located."

The report was concurred in.

The amendments to Senate Bill No. 90 were ordered engrossed.

The question being, Shall the bill pass ?

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Cox, Day, Duncan of Brown, Griffith, Howard of Decatur, McClure, Mullinix, Peterson, Rahm, Schloss, Shively, Thompson of Marion, Tharp, Weir, and Mr. President. Total, 19.

Those voting in the negative were :

Senators Bryant, Hale, Howard of St. Joseph, Logsdon, McDonald, Sellers, Smith of Wells, Trippet, Urmston, and Zimmerman. Total, 10.

Those present and refusing to vote were :

Senators Campbell, Davis, Drake, Duncan of Tipton, Ensley, Harness, Johnson, Kennedy, Macy, Moon, Shroyer, Sears, and Winter. Total, 18.

So the bill failed to pass for want of a constitutional majority.

Senator Day called up Senate Bill No. 259.

Which was read a third time.

Senator Barrett moved to refer the bill to a committee of one, with instructions.

The motion carried.

Senator Barrett was appointed as such committee.

Senator Barrett, from the select committee on Senate Bill No. 259, reported as follows :

MR. PRESIDENT :

Your committee, to whom was referred Senate Bill No. 259, with instructions to amend the same, begs to report that said bill has been amended by adding to said section 1 the following words, to-wit :

*“ Provided, however, If such toll-gate be erected between two tracts of land owned or cultivated by any person, no toll shall be charged to such person, or his children or employes, in passing through said gate from one such tract to the other for the purpose of cultivating the same.”*

The report was concurred in.

On motion of Senator Barrett, the amendment to Senate Bill No. 259, was considered as engrossed.

The question being, Shall the bill pass ?

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Bailey, Barrett, Berry, Bryant, Day, Fowler, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, McDonald, Mullinix, Peterson, Sellers, Shively, Sharp, Trippet, Weir, Zimmerman, and Mr. President. Total, 20.

Those voting in the negative were:

Senators Cox, Duncan of Brown, Logsdon, McClure, Rahm, Schloss, and Smith of Wells. Total, 7.

Those present and refusing to vote were:

Senators Campbell, Davis, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Johnson, Kennedy, Macy, Moon, Shroyer, Sears, and Winter. Total, 14.

So the bill failed to pass for want of a constitutional majority.

Senator Fowler called up Senate Bill No. 185, which was read a third time.

Senator Weir moved to refer Senate Bill No. 185 to Senator Fowler, as a special committee, with instructions to strike out the word "foreign" in lines 2 and 8.

The motion carried.

Senator Fowler, from the special committee, made the following report:

MR. PRESIDENT:

Your special committee, to whom was referred Senate Bill No. 185, with instructions to strike out the word "foreign" in lines 2 and 8, would report that said committee has amended said bill by striking out the word "foreign" in line 2, and asks that the report of the committee be concurred in.

Report of the committee concurred in.

The question being, Shall Senate Bill No. 185 pass?

The roll being called resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman, and Mr. President. Total, 30.

Those voting in the negative, none.

Those present and refusing to vote were :

Senators Campbell, Davis, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Johnson, Kennedy, Macy, Moon, Shroyer, Sears, and Winter. Total, 14.

So the bill passed.

The title to the bill as read was adopted as the title to the act.

Senator French offered the following resolution :

*Resolved*, That all Senate Bills that have passed the Senate and that are now held by and kept in the possession of the House ; also, all Senate and House Bills that have passed the Senate, and which have been refused or may hereafter be refused by the House, be printed in full on the journal of this Senate.

Resolution adopted.

Senator Griffith called up House Bill No. 7, which was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

Senator Hale called up Senate Bill No. 315, which was read a third time.

The question being, Shall the bill pass ?

The ayes and noes being ordered and taken, resulted as follows :

Those voting in the affirmative were :

Senators Barrett, Berry, Branaman, Bryant, Cox, Day, French, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Thompson of Marion, Trippet, Urmston and Mr. President. Total, 18.

Those voting in the negative were :

Senators Andrew, Bailey, Fowler, Howard of Decatur, Rahm, Sellers, Weir and Zimmerman. Total, 8.

Those present and refusing to vote were :

Senators Campbell, Davis, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Johnson, Kennedy, Macy, Moon, Shroyer, Sears and Winter. Total, 14.

So the bill failed to pass for want of a constitutional majority.



Senator Howard of St. Joseph called up Senate Bill No. 134, which was read a third time.

Senator Barrett moved to refer Senate Bill No. 134 to a special committee of one, with instructions.

The motion carried.

Senator Barrett was appointed as said committee.

Senator Barrett offered the following report from special committee:

MR. PRESIDENT:

Your committee, to whom was referred Senate Bill No. 134, with instructions to amend the same by inserting the words "or superior" after the word "circuit" in line 2 of said bill, begs to report that said bill has been amended by inserting the words "or superior" after the word "circuit" in said line of said bill.

Report concurred in.

Senator Howard of Decatur offered the following resolution:

*Resolved*, That this Senate congratulate the soldiers and sailors of Indiana upon the rescue of the Monument and Memorial Hall Bill by the Governor from a deliberate attempt upon the part of the Speaker of the House and Robert S. Robertson to destroy the same by means of illegal and unwarrantable attestation.

Senator Fowler moved that the resolution be adopted.

The motion carried, and the resolution was adopted.

Senator Sellers was granted a leave of absence until next Monday.

The question being, Shall Senate Bill No. 134 pass?

The roll being called, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, Mc-

Donald, Mullinix, Peterson, Rahm, Smith of Wells, Thompson of Marion, Trippet, Urmston, Weir, Zimmerman, and Mr. President Total, 27.

Voting in the negative, Senator Sellers.

Those present and refusing to vote were :

Senators Campbell, Davis, Drake, Duncan of Tipton, Ensley, Harness, Johnson, Kennedy, Macy, Moon, Sears and Winter. Total, 11.

So the bill passed.

The title to the bill as read was adopted as the title to the act.

Senator Bailey offered the following resolution :

*Resolved*, That the additional Assistant Door-keepers employed under authority of Resolution No. 84, adopted February 24, 1887, be paid the sum of five dollars per day for the time of actual service, and that the President and Assistant Secretary be and are hereby authorized to draw a warrant covering the amount due for such service in favor of Frank Pritchett, and that he be directed to pay such Assistant Door-keepers.

Resolution adopted.

Senator Howard of St. Joseph made the following report on Senate Bill No. 320 :

MR. PRESIDENT :

Your Committee on Swamp Lands, to whom was referred Senate Bill No. 320, introduced by Senator Weir, begs leave to say that they have had the same under consideration, and direct me to report, recommending the bill do pass.

The report was concurred in.

Senate Bill No. 320 was read a second time, and ordered engrossed.

Senator Howard of Decatur called up Senate Bill No. 331, which was read a second time, with the majority and minority reports of the committee thereon.

Senator Howard moved to adopt the majority report.

Senator Weir moved to substitute the minority for the majority report.

The motion was lost.

The question recurring on the motion to adopt the majority report.

The motion carried.

Senator Smith, from a special committee, made the following report:

MR. PRESIDENT:

Your special committee, which was appointed to notify Mrs. Hendricks that the Senate would call on her in a body at 5 o'clock P. M., of this 3d day of March, 1887, begs leave to report that said committee has performed the pleasant duty assigned them, and that the distinguished lady will be ready to receive the Senate at said time.

Senate Bill No. 831 was ordered engrossed.

Senator Thompson of Marion moved to make the Telephone Bill, it being Senate Bill No. 162, a special order at 10 o'clock to-morrow morning.

The motion carried.

On motion of Senator Trippet the Senate adjourned.

JOHN D. CARTER,  
Assistant Secretary State Senate.

## FRIDAY MORNING.

MARCH 4, 1887.

The Senate met in regular session at 9:30 o'clock; Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by Senator Smith of Wells.

On motion of Senator Weir the reading of the journal was dispensed with.

Senator McDonald offered the following Resolution No. 106:

MR. PRESIDENT :

We, the undersigned members of the Senate, and honorably discharged soldiers of the Union army, most respectfully ask of the Honorable President and members of this Senate, to adopt the following resolution, to-wit:

*Resolved by the Senate, That Governor Isaac P. Gray, the patriotic and consistent Executive of the State of Indiana, has the lasting gratitude of the soldiers of Indiana, for his manly and constitutional course in saving the Soldiers' Monument and Memorial Hall Bill from defeat by returning it to the President of the Senate for his signature. And, further, that as a matter of justice to this Senate and the whole people of Indiana, as well as the old soldiers, dead and living, we ask this Senate, which passed said bill without one dissenting vote, that the manly and conservative message of the Governor to the Speaker of the House of Representatives, dated March 3, 1887, be and the same is unequivocally indorsed by this Senate and that the same be spread in full upon the journal of this Senate.*

ISAIAH B. McDONALD,  
TIMOTHY E. HOWARD,  
JACOB H. C. SMITH,  
L. F. MULLINIX,  
PHILIP SCHLOSS,  
F. M. HOWARD,  
SILAS W. HALE.

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, March 3, 1887. }

*To the Honorable, the Speaker of the House of Representatives :*

Senate Bill No. 3, entitled "An act to provide for the erection of a State Soldiers' and Sailors' Monument, or Memorial Hall combined, according to the discretion of the trustees in this act provided for, and declaring an emergency," and signed Warren G. Sayre, Speaker of the House of Representatives, and R. S. Robertson, Lieutenant-Governor, was presented to me by the House of Representatives for my approval.

The bill does not conform to the requirements of section 25, article 4, of the Constitution, which provides that "all bills and joint resolutions shall be signed by the presiding officers of

the respective Houses," and its presentation in that form is also a violation of the joint rules adopted by both Houses of the present General Assembly, which reads as follows:

**RULE 2.** After a bill or joint resolution shall have passed both Houses, it shall be duly enrolled on paper, and the Clerk of the House where it originated shall indorse upon the back thereof the House in which it originated, under which he shall place his signature.

**RULE 4.** Every bill or joint resolution reported to have been duly enrolled shall be signed first by the Speaker of the House of Representatives, who shall send the same to the Senate, then by the President of the Senate, after which it shall be presented by the Joint Committee on Enrolled Bills to the Governor for his approbation and signature; and the said committee shall report to their respective Houses the day of their presentation, which report shall be entered upon the journals of each House.

**RULE 5.** All bills and joint resolutions shall be signed by the Speaker of the House of Representatives and the President of the Senate, in their Houses respectively, when in session, which shall be carefully noted on the journals of each House.

The bill was not indorsed or signed by the Secretary of the Senate in which the bill originated; was never sent to the Senate as required by the joint rules, for the signature of the presiding officer of the Senate, as required by the Constitution, and did not purport to be signed by the presiding officer of the Senate.

The constitutional provision, which provides that all bills and joint resolutions passed shall be signed by the presiding officers of the respective Houses, does not mean some person who is claiming to be legally entitled to preside, and who is not presiding, but, in my judgment, means the officer or person who is actually presiding and discharging the duties of the position. There might be two members of the House each claiming to have been legally elected Speaker, and in that case the Executive would undoubtedly have to recognize the signature of the member who was actually presiding, and whom the House recognized as its presiding officer. It is not the province of the Executive to decide who is entitled to preside in either House.

The Executive possesses no such power or authority. When the Executive is notified by each House of the General Assembly that it is duly organized, ready to receive communications and transact business, the Executive must recognize the organization so reported, and has no right to recognize another. The organization reported to me by a committee from each House on the 6th day of January, 1887, has remained unchanged up to the present time, and has been recognized by each House in the passage through each House of eighteen bills, which were signed by the present presiding officers of each House, and approved by me, among which are the bills appropriating \$125,000 for paying the mileage and per diem of the members and other expenses of the General Assembly; for the reorganization and maintenance of the Soldiers' and Sailors' Orphans' Home; for the payment of certain employes every two weeks, and authorizing certain cities to issue bonds. The present organization of the Senate has been further recognized by the passage by the House, during each day's session during the present week, of a number of Senate bills and other measures. The members of each House have, from the organization of the General Assembly, drawn their mileages and per diem upon certificates signed by the present presiding officer of their respective Houses.

If I had approved the bill in the form in which it was presented to me by the House, there certainly would be no question as to its invalidity. No court could possibly hold that it was signed by the presiding officer of each House when the entire record of the Senate shows that Alonzo G. Smith, and no one else, is the presiding officer of the Senate.

I can not sanction a proceeding which would inevitably prevent the bill from becoming a law; and believing that the soldiers and sailors of Indiana, and the people generally, desire the legal passage of the bill providing for the erection of a Soldiers' and Sailors' Monument, I have caused the bill to be transmitted to the Senate, and it has been returned to me for approval, signed by the presiding officer and Secretary of the Senate. I have approved the bill and caused the same to be deposited in the office of the Secretary of State.

ISAAC P. GRAY,  
Governor.

Resolution adopted and on motion of Senator McDonald the resolution was ordered spread of record on the journal of this Senate.

Senator Weir offered Concurrent Resolution No. 16, as follows:

WHEREAS, The report of the Senate Committee on State Prisons, shows such a state of facts in relation to the Southern Prison as to justify heroic treatment by demanding the resignation of the present Board of Directors; therefore, be it,

*Resolved by the Senate, the House concurring, That the Directors be, and they are hereby, each requested to resign as such Directors.*

Senator Mullinix offered the following amendment to Concurrent Resolution No. 16:

MR. PRESIDENT:

I move to amend by adding the following: "*Provided, This resolution is not intended as the slightest reflection upon the personal integrity of the Directors but is based rather upon their want of care and vigilance in looking after the affairs of the institution over which they had charge.*"

Adopted.

Senator Weir moved to make Concurrent Resolution No. 16 a special order for Monday morning at 10 o'clock.

The motion carried.

Senator Fowler presented the following communication from the Secretary of the Senate:

*To the Honorable Senate of Indiana:*

I, Webster Dixon, Secretary of the Senate, beg leave to respectfully report to the Senate as follows:

That on the 3d day of March, 1887, I took to the House of Representatives the following message, to-wit:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bill No. 29, a bill to regulate the mining of coal, regulating the manner of weighing the same, etc.

Also, that the Senate has passed Engrossed Senate Bill No. 185, a bill requiring foreign insurance companies to pay judgments rendered against them in this State, etc.

And the same are herewith transmitted to the House.

WEBSTER DIXON,  
Secretary of the Senate.

That I respectfully requested of the Door-keeper of the House admission to the hall of the House of Representatives to communicate said message to the House, but I was refused admission by said Door-keeper, who informed me that he was instructed by the House of Representatives and the Speaker thereof to deny admission to the Secretary of the Senate bearing official messages from the Senate.

WEBSTER DIXON,  
Secretary of the Senate.

On motion of Senator Fowler, the communication was ordered spread of record on the journal.

The consideration of House Bill No. 162 being the special order for this hour (10 o'clock A. M.), said bill was taken up.

Senator Tharp moved to postpone its consideration until 4 o'clock P. M. next Monday.

The motion carried.

Senator McClure called up Senate Bill No. 306, which was read a third time.

The question being, Shall the bill pass?

The roll being called, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Barrett, Berry, Branaman, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Howard of St. Joseph, Logsdon, McClure, McDonald, Peterson, Rahm, Schloss, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman, and Mr. President. Total, 26.

Those voting in the negative:

Senator Bailey. Total, 1.



Those present and refusing to vote were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer and Winter. Total, 15.

The title to the bill as read was adopted as the title to the act.

Senator McDonald called up Senate Bill No. 243, which was read a third time.

The question being, Shall the bill pass ?

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Fowler, French, Griffith, Howard of St. Joseph, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman, and Mr. President. Total, 27.

Voting in the negative, none.

Those present and refusing to vote were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, Sears and Winter. Total, 16.

So the bill passed.

The title to the bill as read was referred to the Committee on Phraseology.

Senator Logsdon called up Senate Bill No. 141.

The question being, Shall Senate Bill No. 141 pass ?

The roll was called, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Zimmerman, and Mr. President. Total, 27.

Voting in the negative, none.

Those present and refusing to vote were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Johnson, Kennedy, Macy, Moon, Shroyer, and Winter. Total, 14.

So the bill passed.

Senator Rahm moved that those Senators who were present and refusing to vote on the question, Shall Senate Bill No. 141 pass? be excused from voting.

The motion carried.

The title to the bill as read was adopted as the title to the act.

Senator Logsdon, from the Committee on Corporations, offered the following report on Senate Bill No. 323 :

MR. PRESIDENT :

Your Committee on Corporations, to whom was referred House Bill No. 323, have considered the same, and a majority of said committee direct me to report, recommending that it do pass.

Senator Bryant, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

Your Committee on County and Township Business, to whom was referred Senate Bill No. 310, have had the same under consideration and recommend the same do pass.

Senator Barrett, from the Committee on Prisons, presented the following testimony taken by the Committee on Prisons, at the Prison North, to wit:

J. J. Faude, being duly sworn to testify the truth, the whole truth and nothing but the truth, deposes as follows, to-wit :

Q. What official position, if any, do you hold in this prison?

A. Moral Instructor.

Q. How long have you been the Moral Instructor?

A. Since the 11th of March, 1883.

Q. Please state what religious exercises are usually held in the prison.

A. Services on Sunday beginning at half-past nine or twenty minutes of ten—that depends upon the arrangement here—and continuing until about 11 o'clock, on Sunday morning, on Christmas day also, and on Flower Mission Day. Those are the only religious services.

Q. What mental instruction is given to the illiterate prisoners?

A. On Sunday morning, immediately after breakfast, all those who can not read or write are taken up to the chapel, where they are given instruction in reading and writing. This number is usually from thirty to forty. The Deputy Warden, upon the entry of men, inquires as to their ability to read and write, and finding those who can not, they are placed in the class. They are also allowed, as I stated to some members of the committee this morning, to study, of course, in their cells, if they so desire, but very few desire that. I do not know at this present time, of more than five or six that do that.

Q. By that you mean those who study sciences.

A. Yes, something beyond what they are taught in the educational class on Sunday morning.

Q. You do not mean that they do not read.

A. No, at least nine-tenths of them read.

Q. How long has this school been organized and in operation?

A. This was in operation before I came here.

Q. It is kept up regularly every Sunday.

A. Yes, every Sunday.

Q. What books do you use in teaching these illiterate men?

A. There is a supply of text-books such as is used in public primary schools. In writing they have copies set them by one of the teachers and write in a blank book.

Q. There is no instruction attempted beyond reading and writing.

A. No, sir.

Q. Are there many prisoners who have been instructed so that they have been able to read and write before leaving the prison?

A. Yes, a very large majority of those who attend the classes have learned to read and write more or less fluently. Some of them learn to write exceedingly well. I had a letter sometime ago from a man—a colored man—who could neither read nor write when he came in, and he wrote me a few lines simply to show me how he could write, and it was real gratifying.

Q. Are the illiterates compelled to attend the moral instruction, or is it voluntary on their part?

A. They are compelled. That is the understanding as I have had it. I do not know as to how thoroughly that is carried out, of course, but that is the understanding between the Warden and myself—that they are compelled.

Q. In connection with your religious exercises have you vocal and instrumental music?

A. Yes, sir; there is a choir of convicts led by a free man. They have an orchestra by way of accompaniment, consisting of two violins, bass viol, cornet and flute, so that the music is quite fair.

Q. And of course they sing.

A. Yes, sir; only the choir ever sing.

Q. What suggestions, if any, have you to make as to what further might be done to aid these illiterates in the mental instruction?

A. I think their education ought to be undertaken as the first thing to be sought. Undoubtedly, while there are very well-educated men here, yet a majority of the criminals are men who have had very slight educational advantages; therefore, it would seem to me that inasmuch as they have none of the advantages of an education—cannot even read or write, as I understand you mean by the illiterates—it seems to me that the first thing that ought to be done is their systematic education, regardless of any support that they might grant to the State or to the prison.

Q. What practical difficulties are now in the way of that systematic education?

A. The contract system and the written or unwritten law to the effect that every prisoner shall work—I believe the sentence is usually given to hard labor. That, of course, precludes

the possibility of systematic education. After a man has worked all day, he is in no condition to undertake any mental work at night, even if I had the facilities. I do not think that it would be right; it would not be treating them fairly.

Q. What is your opinion as to the effect of shortening work and devoting those hours taken away from labor to mental work?

A. I think that is the only practical solution of the present difficulty. I suppose we could not, under the law, take all of their time. It would be in compliance with the spirit of the law to give them six, seven or eight hours a day, and devote the remainder of the time to educational work.

Q. What other practical difficulties, if any, are there in the way of teaching them at night after supper?

A. Heretofore the difficulties that have seemed to be in our way have been expressly the expense, because it has seemed as though it would require an additional force of guards. For a very few of the convicts, we could, of course, obtain some of these rooms we have here, but that would reach so small a number that it seems a pity to have so much effort expended for so little advantage. The matter of proper schooling is the principal thing. However, there is the building. If a building, as was suggested this morning by one of the Legislative Committee, adjoining one of the cell-houses, could be erected, every difficulty, so far as I know, of that kind, would be removed. There would, of course, remain the other difficulty of getting men that are hard at work all day. Of course, that is the punishment—to work, and work hard. There would still remain the difficulty of getting the men, after a hard day's work, to apply themselves with that interest and enthusiasm as they ought to, entering upon such work as this. With these two things, a shortening of the hours of labor, and the erection of a school room—and of course it would not imply a fine outlay at the beginning, to begin modestly and so construct it that additions might be made to the building—then I think the educational advantages of the prison would be forwarded very much.

Q. Well, now, from your experience, Mr. Faude, in this matter, do you think that prisoners would generally avail themselves of opportunities of that kind if they were offered?

A. I confess I am not convinced about that. Some weeks ago I visited the Reformatory School at Ionia, Michigan, and there I found that the principal effort is a reformatory effort. I went through the institution inquiring of the Chaplain and the Warden and the different officials who came in contact with the men. They all seemed to be quite wrapped up with their system. I am sorry to be able to say that I did not see all that they thought was obtained. The spirit of the young men was a spirit of frolic. Their countenances showed it. They had fights repeatedly in the shops. It was a rare thing that there was not a fight in some of the shops. Their discipline was based on the principle that men should be governed by love instead of force. Neither one of those principles is right, but a combination of the two might be used. All men must especially understand that after they have violated one of the laws of the land, that obedience must be expected, and is their first duty. And then the principle that I saw all through their work there is this: They will educate those men; they will teach them a means of livelihood, but they do not carry that out at all. They have the same system that we have. Every man is put upon some piece or part of the work. No trade, as a whole, is taught any of them. That is the greatest defect in the institution. But whether they have made mistakes in the application of their principles of educating or elevating by education, I do not know. The results, so far as I could see, were not satisfactory. There was this spirit of defiance of principles. They stated to me that they had men there just as we have here. I found there, also, one of the prisoners who had been in this institution. He said that compared with Michigan City, Ionia was a perfect play-house. They have lectures, concerts, debating societies participated in by the prisoners themselves, and everything of that kind; a fine library, far superior to ours. Every incentive is given them to educate them, and perhaps, in some instances, it does do everything that can be expected. I think, however, that the discipline itself, or rather the lack of it, is not beneficial to the men, for I can not help feeling that that is, after all, the essential thing in reform school work.

Q. Now, suppose you would add the discipline of this institution to the educational effort made in Ionia, do you think that good results might be achieved with the material they have here?

A. Yes, sir; provided still further, that the spiritual developments were made to go along side of the intellectual education. Intellectual education I do not consider makes every difference, so far as character is concerned. Of course, we suppose that there is moral instruction here. After all, it is not what it ought to be.

Q. In what respect is it deficient?

A. It is deficient in that we have no time to give them systematic education in morality. Morality is, after all, just as definite a system as intellectual education. We would not expect any man to become familiar with any branch of intellectual training, to know anything of any of the sciences, and of any branch of study, without systematic studying. So it is, too, with spiritual developments. The training there must be regular and systematic; and the amount of it must be of such a nature that we must take them along just as we do in arithmetic or geography, or in any of the higher branches.

Q. Would you suggest daily moral instruction?

A. Yes, sir; in connection with the intellectual training.

Q. To accomplish that end, you would then consider a shortening of the number of hours in a day's work to be a necessity?

A. Yes, sir; an absolute necessity.

Q. Have you any other changes and remedies to suggest in the mental and moral instruction of the prisoners?

A. It seems to me, that looking beyond the term of confinement to the liberation of the prisoner, anything that would help the men to getting an honest living ought to be pursued, and would be a part of the intellectual and moral development of the mind. Therefore, I consider it of the first importance, so far as work is concerned, that every young man be taught a trade. We do not have the system, which, of course, is necessary under the contract system, of putting one man to a certain piece of the work. There is nothing like rotation from one part of a trade to any other part, so that one man could learn one thing complete. One man is put at a certain part of the work and kept at it. Of course, the longer he is at it, the more proficient he is in it. Of course, it is the material interest of both the State and contractor to have a man in the business where he can do his work best, and that means length of time

and length of experience. At the time of the last New York report of the Board of Directors, there were eighty young men, who, I think, were not over twenty years of age, in the institution. There were very few of them who had ever worked at a trade. Perhaps, none of them were able to earn their living. When they go out of the prison, they are just in the same position, so far as ability to earn a livelihood is concerned. There is an instance that has occurred here recently: A man was in the institution here known to have defalcated in very large sums. He was in the institution for sometime. He now has a position, and I believe he is earning \$1,800 per year. If he had not been able to step right into a place of that kind he might, perhaps, have been back here again to-day, but having a trade—having something that he could go right at, he is able to defy that spirit of a good many in the world, turning a cold shoulder to the convict. It would not always follow, of course, that simply because a man had a trade, he could get along in the world. That, of course, would not always follow. But, at the same time, very many of them would be able to get along honestly.

Q. From your observation, what is the effect of the association of the younger criminals with the older and hardened criminals?

A. It is the worst possible. My convictions on that subject have undergone a very radical change in seeing it in operation here. I supposed, for the first two years of my stay here, that, inasmuch as the men were not allowed to converse with each other, and were in separate cells, and in that, except so far as their eyes were concerned, they were, as it seemed to me, entirely separated from each other, that the so-called hardening of the prisoners was imaginary. But in spite of the rule that there should be no conversation or communication between the men, it is going on all the time in spite of the most vigilant efforts of all the officers, and in ways that they can not find out. A piece of information from the outside world will spread through this prison quicker than it would among so many people in the outside world. Therefore, it would seem that, after all, the prisoners are liable to the evil influences of bad associations. If there are any of them that are reclaimable when they come in there, the fact of their being thrown together with the irreclaimable, they soon become harder than they were when they



came up. Such influences as those we can not overcome by any amount of intellectual training, or any amount of spiritual training, or any promptings of love.

Q. Are you in charge of the library?

A. Yes, sir.

Q. What number of volumes have you in the library?

A. I do not know the exact number; it is a little over two thousand.

Q. What system have you of distributing books from the library among the prisoners?

A. The books are distributed weekly; on Sundays. The intention is to give every man a choice of books from the whole library. Each one has a catalogue in his cell—a catalogue of the library—and on a slip of paper he puts down certain numbers, any one of which he would like. We give him the first one that is in the library. If, for instance, he has 1562, 1649, and 845, he wants any of these books. They give him the one at the top if it is in, and the next one and so on. A record is then made. The Assistant Librarian has a slip of paper upon which are indicated the cell number, the book number, the day of the week, month, year, and so on; that is put on file and sometime before the next Sunday those numbers are recorded in the library register, so that every week a record is kept of the books drawn, books returned, and so on, so that we readily know where each book belonging to the library is to be found. As a rule, we can find where any book in the library is; that is, whether it is in the library or in what cell it is, or, if it is loaned to any of the guards, who it is has it.

Q. Do you find that there is much demand by the prisoners for the use of books?

A. Yes, sir; I think that nine-tenths of them read, more or less.

Q. Has your library now a sufficient number of books to meet the demand?

A. No. We have enough books in number, but not in variety; the aim ought to be, of course, to let every man select just what he would like, and to have a sufficient variety to interest every man here. Of course we may have an excellent line of books, but if half of the men do not care for that par-

ticular line of books we have, then, so far as that half is concerned, we do not have a large enough library.

Q. How many candles are furnished each week?

A. None at all, I believe.

Q. What means of light have they?

A. They have to furnish their own, unless it has been changed recently. A good many of them furnish their own.

Q. Do you know whether any allowance is made to them through which they can procure candles? Any weekly allowance?

A. I am not certain as to that.

Q. The distribution of candles is not in your hands.

A. No, sir; I have nothing to do with that.

John G. Mott, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, testifies as follows:

Q. Are you one of the contractors in the prison?

A. Yes, sir.

Q. What article do you manufacture under your contract?

A. Cooperage, only.

Q. What is the firm name?

A. J. H. Winterbotham & Sons.

Q. How many convicts do you employ under your contract?

A. We have 175 men contracted at this time, but we are only working about 125, in fact. We had at work yesterday only 120. Our contracts are not full, and we are not able to fill them up, as the men are decreasing.

Q. Have you ever been engaged in the manufacture of barrels by free labor?

A. No, we never have; at least, since I have been connected with it.

Q. Have you ever made any observation to learn the amount of labor of a convict as compared with that of a free laborer?

A. I have never had any particular means of comparing them as there are very few manufacturers of cooperage in the country using machinery as we do. The only one I know of is up here at Greencastle, Mich. They use machinery precisely the same as we do, and from the business they have been do-

ing, the prices at which they have been selling, and the prices that I know they pay for hooping—this is the only thing that is paid for by the piece, and by which we can make a comparison. Of course, the other work is no definite amount of a day's work, and it can not be paid for by the piece, and it compares upon the facts. I should say that the difference between free labor and convict labor using machinery was very little, so little that this company, as I said before, have been doing a large business and expect to do a larger one, going directly in competition with it and employing free labor.

Q. Are the convicts under your charge allotted a certain task per day?

A. It is impossible to do so, except in the hooping branch of the business. In all the other work it is the handling of small pieces, sieves and so forth, which we can not count. It would cost more to keep any run of the pieces that the men handle than it would be worth to do so. The consequence is that we simply let the men work industriously.

Q. The convicts in your department are employed ten hours per day.

A. We do not get ten hours from our men. Nine hours and twenty minutes is the very most we ever get. We are entitled to ten hours' work, according to portions of our contracts. We have not had it since Mr. Mayne was the former Warden. I have not kept any track of the time myself since he was Warden. The books of the business will show that the time was nine hours and twenty minutes.

Q. Are any deductions made to you by reason of the short time per day?

A. No, none whatever; and we never thought of making any claim for it, for so long as the prisoners run satisfactory in all other respects we have felt no disposition to mention that, and we have not allowed it to be done.

Q. Do you give or offer any inducements to the convicts for extra labor?

A. We always do whenever it is anything that we can determine. That is, the hooping business.

Q. Explain how you do remunerate them for the extra work.

A. We pay them for their labor. For instance, twelve tierces constitute a day's work. When a man makes over that number we pay him five cents apiece. The price we pay our men is sixty cents. It is a little less than that, so that really we are paying a little more.

Q. Sixty cents for ten hours?

A. Yes, per day. We pay no attention to hours. Sometimes we get between eleven and twelve, and sometimes not over eight.

Q. Do you know what amount you pay on the average, per month, for overwork?

A. I could not tell you without referring to our books.

Q. Please give us an idea of the amount of extra work that the men will do, in a general way.

A. Perhaps \$70 or \$80 per month. This goes to a limited number of men. The number of men we have hooping are 47 out of 120, and are the utmost that we are able to employ in that branch of business.

Q. What is the probable value of the machinery used by you?

A. I suppose about \$10,000. At the present price it would cost us more than that, but the machinery is almost new.

Q. What is your opinion as to the possibility of a system by which convicts would have a trade when they go out in the world?

A. In regard to the men learning trades, there are very few trades that are now practiced complete in themselves. If the men who are now in the shoe business were to learn to make boots and shoes by hand, they would, when they went out, find themselves as unfitted to make a living as a man could be who possesses no trade whatever. There would not be employment for one in twenty of these in their business, and so far as any other labor, he would be no better off for having learned the boot and shoe business.

Q. What, in your opinion, is the difference in cost between barrels made by hand and barrels made by machinery?

A. Well, there is at least 20 cents a piece.

Q. What is the cost of a barrel made by machinery?

A. The average price of a barrel made by machinery is 85 cents—taking the average for a year or two years, and the price of stock corresponding.

Q. Do the contractors furnish the convicts employed in their various departments with candles and other articles?

A. We furnish all of our convicts with some supplies. This was done under our arrangement that we made with the Board of Directors, when Mr. Mayne was the Warden. In consideration of certain contracts that we made at that time, we agreed to furnish these goods, and we have continued to do so long after those contracts expired. We have continued to do so simply as everything runs in the groove when it gets started in the groove.

Q. You are then under no obligation to furnish these supplies.

A. We are under no obligation to furnish these supplies. It is simply courtesy.

Q. How many candles do you furnish the prisoners?

A. We aim to furnish our prisoners with 15 cents' worth of supplies per week. They can take that much in what they choose, candles, tobacco (chewing, of course), paper, pens, ink or envelopes; and our foreman, every Friday, visits all the men and takes a memorandum of what they want. Then on that day he gets his supplies, and on Saturday morning he distributes them.

Q. How many candles do you furnish for fifteen cents?

A. We would furnish half a dozen. Of course, some men want it all in tobacco. The majority take it in tobacco. In summer soap is taken; and then, of course, some of them want to write occasionally, and they take an envelope and a sheet of paper. A sheet of paper and an envelope will cost three cents.

Q. Do you know the average number of candles per week furnished to the prisoners under your charge?

A. I know we gave last year, in supplies to the convicts, about \$1,500 worth of stuff. We buy about 500 pounds of tobacco every two months, all of which we give away.

Q. When do your contracts expire?

A. There is one for 50 men expires next April or May, as the report shows; there is one for 75 men expires just about

one year from that date, and one for 25 men expires in the February following—that would be 1889—and one, if I am right, in August of 1890.

Lewis E. Peno, being first duly sworn to testify the truth, the whole truth, and nothing but the truth, testifies as follows, to-wit:

Q. Are you one of the contractors in the prison, or a representative?

A. I represent a boot and shoe company.

Q. Dodge & Co.?

A. Yes, sir.

Q. How long have you been superintending the boot and shoe department in the prison?

A. Three years and four months.

Q. Have you had any practical experience in the boot and shoe business outside of the prison?

A. Yes, sir.

Q. In what factories?

A. In Fouts, Dodge & Palmer's for three years, in Chicago; also, Shelly & Coombs, Philadelphia, for three years.

Q. Have you had any experience in any other prison?

A. Yes, sir; ten years. Two years with the Bay State (Massachusetts), and eight years in the Brooklyn prison, for the same company.

Q. From your experience and observation, how does the product of the labor of the convict compare with the product of the labor of the free man?

A. Well, here in this prison, all the work is done in parts. It is a little more than one-half of what would be done by the outside man, and at other parts of it about one-third less here than could be done outside.

Q. How do you account for that difference between the results of the free and convict labor?

A. Outside men mostly work by the piece, and they will work a great deal harder by the piece than they would at the prison.

Q. How long does it take a new man to become fairly well-skilled to work a piece of machinery in your department?

A. Well, a great deal depends upon the man.

Q. The average convict?

A. The average convict, to make him proficient in running machinery, would take a year. About the average of them would take that long. There are some machines it would not take that long—would not take more than six months. Some of the machinery is very simple.

Q. What would be the average pay of the free laborer engaged in the same kind of work as the men you employ here at fifty-five cents per day?

A. Outside, they will not average at our business, the year round, \$7 per week.

Q. What supervision or control do you have over the convict while in your charge?

A. I do not have any control over them. The State has that. If a man damages work, and makes a practice of it, the foreman that he works under reports him to the guard for that, and he is then in the hands of the State authorities. It is invariably the case that the guard will reprimand him by talking to him, and if he continues to do that, then he brings him to the office for the Deputy Warden to do as he deems fit and proper in the case.

Q. Has a man in that case a hearing upon that?

A. Yes, he looks into the case to see if the foreman is right.

Q. How long have your foremen been engaged in this prison in business?

A. Three years and four months.

Q. What is the probable value of the machinery used by you in the prison?

A. Well, I should say about \$12,000.

Q. Have you been boycotted any in the sale of your goods by reason of the convict labor?

A. There were two or three attempts made at it.

Q. What has been the effect upon your trade?

A. None. It did not go on long enough. It was put on through misrepresentation, and when they investigated and found they were wrong they lifted the boycott.

Q. Does your firm employ any free labor?

A. Yes, sir.

Q. What place?

A. Chicago. We only do part of the work here. The uppers of the goods are all cut and fitted by free labor in Chicago. Then the uppers are sent here and we simply bottom them, as we call it—put the soles on them and make them. You might say one-half of the goods is done in Chicago by free labor and then sent here?

Q. Are the convicts in your charge assigned a task for each day's work?

A. Yes, sir.

Q. What, if any, inducements do you give them for overwork?

A. Do not give them any.

Q. Are any of them allowed to make overtime?

A. No, sir.

Q. Do they work overtime?

A. No, sir. A great many of the men are done at 2 o'clock.

Q. What do they do from that hour until the end of the day?

A. Sit down until it is time to go in. We object to overwork in our business for this reason: If you set a task for the men and tell them that you are going to give them overwork, they will rush the work and botch it so that it will not pass; that is the principal reason that I oppose anything of that kind. We would rather give them a more moderate task and have them do their work right. I experienced that matter in Trenton, N. J., in giving them overwork tasks. We had to stop it there because they botched all they did in rushing to get through with what was set them.

Q. What, if any supplies, do you furnish the convicts employed in your departments?

A. We give them tobacco, candles, stationery, etc.

Q. What rule have you in regard to furnishing these supplies to the prisoners?

A. On Saturday each foreman that is in charge of the men will go to them and ask them what they want, and whatever



they want in the line of candles, stationery, tobacco, etc., they get.

Q. What amount do you allow to each prisoner in value, or otherwise?

A. In value I should say about ten cents or twelve cents, at times fifteen cents' worth, because there are many of them use a great deal more of tobacco than others, and we never refuse when asked for tobacco.

Q. What rule have you in regard to furnishing them candles?

A. If they want candles they can get candles.

Q. To the limit allowed each prisoner, they can draw any kind of supplies you have named.

A. Yes, sir.

Q. Can you tell us what number of candles they draw on the average per week?

A. Five candles.

Q. That means when they get nothing else but candles.

A. If they want nothing else.

Q. What number of candles, on the average, do they actually draw?

A. Well, I do not know as I could say. The way they work it, sometimes they take tobacco this week and candles the next week. Some tobacco that they draw will last two weeks.

Q. Is it a part of your contract to furnish supplies to the prisoners?

A. Yes, sir.

Q. In your contract is it stipulated the kind or amount of supplies you shall furnish?

A. No, sir.

Q. Who determines the amount of supplies you shall furnish to the prisoner? Is it left entirely optional with yourself?

A. Yes, sir.

Q. Have you a rule by which you furnish them?

A. Yes; that is, the State says that we shall give them so much, and we give them what they say. It is not our rule.

The rule laid down by the authorities is that we shall give them so much, and we give them what supplies the State says that we shall.

Q. You have not indicated what that rule is.

A. We give them either tobacco, candles, or stationery to the value of 10 or 12 cents per week.

Q. How many candles, for instance, would you give them should they ask for candles this week?

A. We would give them five.

Q. And that proportion of other things?

A. Yes, sir.

H. W. Johnson, being first duly sworn to testify the truth, the whole truth, and nothing but the truth, testifies as follows, to-wit:

Q. Are you a member of the firm of Ford, Johnson & Co.?

A. Yes, sir.

Q. How long has your firm been engaged in manufacturing in this prison?

A. We began the 19th of November, 1868. The first contract dated the 1st of November, 1868.

Q. How many convicts are you employing now?

A. We have now 185.

Q. You are engaged in the manufacture of chairs and furniture.

A. Yes, sir.

Q. Have you had any experience in manufacturing these articles outside of the prison?

A. Yes, sir. We are running a factory now just outside the limits of the State line.

Q. How long have you been running that factory?

A. That we began in 1881.

Q. How does the product of the labor of the convict compare with that of the free laborer?

A. Not at all favorably.

Q. About what difference in per cent?

A. It takes more to do the same work.

Q. What per cent?

A. About twice as much. You can do with free labor, with the same number of men, twice as much as with the convict labor.

Q. How do you account for the difference in the result?

A. The difference is that convicts are not at all skilled. They are a class of men who are not industrious, or they would not be here; they are tramps; they are men of no character, no reputation; they come in here and are not skilled in anything but theft; and they are not men who are interested in that sort of trade or occupation, and they make the most of their time to get through and get out, and do not care to learn the trade.

Q. As a rule, the convicts are strong men, are they not?

A. Yes, sir.

Q. What practical difficulty do you experience in keeping these men at work doing an average man's work?

A. In the first place, I should say, Mr. Chairman, that the honesty of the men is against it. In the second place, after we secure it, we secure it at the expense of a large force of skilled, valuable labor in the shape of foremen, or teachers, etc. Where we would work a free shop, or outside labor, with one skillful man as foreman, we now have seven besides the foreman.

Q. How many foremen would you have in the shop run by free laborers?

A. Just one.

Q. Then I understand that it takes seven times as many foremen.

A. Yes, sir. It is not safe to put more than thirty to thirty-five men under one foreman. It gives him more superintendence than he can do safely.

Q. Do you have any difficulty with the convicts wasting and destroying work?

A. Yes; we had a controversy just the past week about losses. There was a controversy over some chair posts. They were not very nice to work, and the man, instead of working them, would work easily and break up the rest of them. The Superintendent found fault with his breaking up the work, and insisted on his laying it aside. We have had other men.

the first of our experience here, that would break up everything. It is not peculiar to the prison, but is peculiar to anyone, that they destroy stuff.

Q. Can you tell, from your practical experience and observation, what per cent. of the material is destroyed by the convict in using it?

A. I could not.

Q. What are you paying your free laborers engaged in the same kind of labor in which you employ the convicts?

A. The limits are 50 cents to \$2.50 a day. We have one man at \$2.50, and all the way down to 50 cents.

Q. What per cent. of free laborers do you employ at 50 cents per day?

A. I could not give you the number. They are boys. Perhaps 15 per cent.

Q. Outside of the boys, what is the average you pay the free laborers—I mean not your foreman, but your average daily laborer?

A. I should say \$1.37½ per day.

Q. What control, if any, do you have over the convicts under your charge on your departments?

A. I can not say as we have any control. We place the work before them. Our foremen are there to place the work before them, and the representatives of the State are there to insist on the industry and economy.

Q. In case of difficulty with the convict, as to his refusing to work or failure to perform his work properly, what do you do?

A. We only refer it to the guard, and can do nothing else—the guard that represents the State on the force of the shop.

Q. Then the guard investigates the situation.

A. Yes, and reports to the superior officer if it is found deserving.

Q. About what is the value of the machinery used by you in the prison?

A. Well, \$25,000 to put in the plant.

Q. What supplies, if any, do you furnish the convicts employed by you?

A. We give them once a week an allowance of tobacco (chewing), candles to burn in their cells, letter paper, envelopes and postage stamps, etc.

Q. What rule have you for furnishing these supplies?

A. We aim to furnish them what we think they reasonably want in the matter of tobacco, with the tobacco chewer. Those that are large chewers we give more to, and those that we know to be less chewers, we give a smaller ration. About a half a pound to a man. In giving candles, where we give candles we give six, one per night except Sundays.

Q. When you give them six candles, do you furnish them any other supplies?

A. We count a ration a half pound of tobacco, and in lieu thereof, six candles, and in lieu thereof an equivalent in letter paper, envelopes and postage stamps. We call a ration worth from 10 to 14 cents in value.

Q. Do you find any demand by the convicts for more candles than you are, under your rule, able to supply?

A. No, sir.

Q. In your opinion, are the convicts allowed all the candles they desire?

A. Yes, sir. I think I may add an explanation. Some of them take all tobacco and some all candles, and some get both tobacco and candles. They take all they can get.

Q. Mr. Johnson, how did this system or rule grow up, or be adopted by the contractors to furnish these supplies to the prison?

A. At one time the State authorized us to give these men overwork, and pay them for that overtime. We did not pay it to the men direct, but put it into the hands of the Warden for them. Then the Steward of the prison sold these supplies to them. The Legislature, some years ago, took that matter out of our hands. They did not compel us to give overwork, or did not permit it. And the matter came up afterward—I think under Mr. Murdock's administration—that the men could not get these supplies. We contractors met with him, and said that until the State could bridge this necessity over, we will step in and give it as a gift to the men. A great many men could not do without tobacco, and a great many could not do without

light, and others wanted to write letters home, and they had no light or papers nor envelopes to write on. In that extreme, we said we will furnish these needs until such time as the State will either make an appropriation or in some way make some arrangement for it; but we have never been relieved.

Q. Then it is no part of your contract.

A. No, sir.

Q. What inducements, if any, do you offer the men now for overwork in your departments?

A. We offer to pay them as much as we pay the State in the event of overwork being given to them.

Q. As a matter of fact, is overwork given to them?

A. Not as a rule.

Q. What is your opinion, Mr. Johnson, as to giving overwork?

A. I would answer, first, from my own standpoint, we do not get as good work. A man in trying to do a large quantity, does less in quality. With reference to the men, I think it is a helpful thing. It gives him a means of paying up a little money, and if he has others depending upon him, he sends it to them. Otherwise, he buys his necessities here, in the way of tobacco, molasses, candles, etc. Style of work with us is the principal objection.

Q. Would you be desirous of working more hands under your contract, if you could get them?

A. Not at present prices.

Q. You have a free shop and a prison shop.

A. Yes, sir.

Q. Now, at the rates which you pay, which from this is about \$1.37½, and the rate at which you employ prison labor, which do you find the more profitable?

A. Free labor. I would add in that connection, that it is hardly parallel. The product of the outside factory, the free labor factory, is a higher grade of goods than we manufacture in the prison. We can not manufacture certain grades of goods in the prison. You do not find workmen capable of doing it, and you can not teach the classes of men that come in here so that they could do it. Some of them are here for one

year and some two years. When you come to make cheap goods you have such a wide competition outside.

Q. You have had sufficient experience with them. You might give us your opinion as to what would be comparative profit of the two systems.

A. I have not had enough experience, because we have never tried to manufacture that grade of goods in the prison.

Q. Did you ever try to manufacture the grade of goods manufactured in the prison, outside?

A. I never did. My first experience has been in manufacturing this grade of goods in the prison.

Q. What system of employing convict labor could be adopted, in your judgment, which would bring it less into competition with free labor than the present contract system?

A. Well, if there could be a system stricken out in which you could not make what is made outside, that would answer the question; but if you were to make what is made usually, and furnish the trade, the present system enters less into competition with outside labor than any other system I know of. In the first place, the man who is making the goods in the prison makes them to make all the money he can out of them. He is interested in maintaining prices. He is not looking to his interest, if he gets a thing for nothing to give it away if he can get something for it; and if he can make his goods for less than outside manufacturers can, and get outside prices for them, he will aim to do it; and I might refer you to the fact that, while we have been manufacturing, using prison labor, we have always kept our goods at the head of the market. We refer to anybody who has been a competitor of us. We have always maintained prices. And if I might go a little further, I would say to you that the most fatal competition we have had, as manufacturers and dealers, has been from the Detroit House of Correction, managed by the State, where they made whatever goods they pleased, in whatever manner they pleased, and sold them at whatever price they pleased, without reference to covering expenses or maintaining prices.

Q. This institution has then adopted the public account system.

A. They have, and have always run that way.

Q. Do you know any articles that could be manufactured by prison labor that was not also manufactured outside?

A. No. I have heard them talk in this State about manufacturing jute. I have heard of them working on roads, but that would be direct competition with the most needy class of outside laborers. I do not know, Mr. Chairman, anything that could not come in competition with some one.

J. S. Gould, being duly sworn to testify the truth, the whole truth, and nothing but the truth, testifies as follows, to-wit :

Q. What, in your opinion, is the effect of offering inducements to prisoners for overwork?

A. We have our views in regard to that. I think it is detrimental to the discipline of the prison. I think that the prison is better handled by the authorities themselves handling it alone than it is for the contractors to make any contracts with the prisoners, or have anything to do with them at all. I think that, as a rule, it is detrimental to give overwork. I think that it might be allowed in some way, but not to give it.

Q. What has been your observation as to the injustice between prisoners in making allowances for overwork?

A. Suppose that there were two men came here—one a burglar—and you would find that the burglar is a mechanical man, and he has talent to work with. We take these two men on the same day. The burglar, we find, at the end of a month, can do a day's work—just a day's work—and he is quick in handling everything that comes in his hands. Then the other man, at the end of two months, is able to do a day's work, and not before; he comes off the farm, and is not familiar with tools, but he does a day's work at the end of two months. Now they are on an equal footing; each can do a day's work and sit down when he has done. If we go to the two men and say, "Now, all you can make over 100," which is an ordinary day's work, "we will pay you for at the same rate that we pay the State," or whatever we agree. These two men go to work; the burglar makes 175 of those posts, and does it easily, and can sit down. The other man works away from bell to bell and can only make 125. He is the best worker of the two; he obeys the rules without any difficulty. The other man is always looking for his chance to get ahead if he can, and in



this case we will reward a great scoundrel and keep the other man from his just dues. That is the ground I take.

Q. From your observation, what is the effect of placing the young convict, convicted, perhaps, for his first offense, in the same employment and the same cells, and in constant communication with the older and harder criminals?

A. It is very bad, indeed. I think that is one of the great difficulties in the present system.

Q. I presume, notwithstanding the rigid rules against communication among prisoners, they do have means of communicating, do they not?

A. Well, I never knew a shop or prison but what they knew the news as soon as they do outside. Some time ago, while I was in Columbus, Ohio, I went into the shop one morning, and a man said to me, "Well, hurrah for Hancock," or whoever the President was then, and I said, "You had better not be in too much of a hurry in hurrahing for him." He said, "You are too late; I knew it last night." He got the news in there before I got it outside, the next day. And, to show you how they can do things beyond the watch of the authorities, I had on our contract in Columbus a man who went through the cells and cleaned them out—took everything out of the cells except simply the bed and the bed-clothes. A few weeks after, I was in the shops one day, and was passing along down, and I stopped at this man's bench, and he said, "I wish you would give me some tobacco." I said to him, "In the first place I have not got any, and in the second place, I would not give you any if I had." Then he said, "I will give you some," and he put his hand under the bench and poked around under the shavings, and pulled up a block. He opened that block. It was cut in two in the center, and put together by four spikes, and when he opened it, there lay a plug of tobacco. You ask if there was communication, and I say there is and they will do it in spite of everything that can be done.

John Shoemaker, being first duly sworn to testify the truth, the whole truth and nothing but the truth, testifies as follows, to-wit:

Q. How long have you been a Director of this prison?

A. Four years next month.

Q. How often do the Directors meet at the prison?

A. Once each month.

Q. At your meetings what examination do you make as to the system of accounts made by the prison?

A. Our ordinary course is the examination of the preceding month's account ending the month before. We usually meet about the 15th, and then we examine the accounts for the month preceding, ending the first of the month.

Q. To what extent are your examinations made of the business of the preceding month?

A. Well, every voucher passes under examination, and those in which there are details are examined into; and there is a class of claims that we do not usually go beyond the regular vouchers themselves. Those are claims with which we are personally familiar, as the pay-roll of the men, and our own salaries, and gas bills, etc. If we find an account and voucher for 100 barrels of pork, amounting to \$1,000, we usually call for the original bill from the seller, to see what price was paid, and if the Warden is present we call for the original bill. And we do the same thing with regard to a large quantity of flour, a large purchase of clothing, and indeed, all large purchases.

Q. Do you make investigation from time to time as to the prices paid for various articles?

A. Yes.

Q. Are the supplies usually purchased in large quantities, at wholesale prices?

A. Yes, sir. It is an exception if it is otherwise—a sudden emergency.

Q. Can you give in detail the method of furnishing the supplies for the prison, and the keeping of the accounts by the different officers?

A. I do not believe I could do that as well as the Warden, or some other person. I could do it, perhaps, but not so well.

Q. Have the Board of Directors examined and looked into the system and method of keeping the accounts of the prison, so as to familiarize themselves with it?

A. Yes. I am myself a practical book-keeper, and have been all my life. We have not a voucher of any kind which we have examined, that we can not find, that is called for in any month.

Q. Do you know whether or not the supplies, when furnished to the prison, are examined by the Store-keeper and bills therefor are checked O. K., and if such is the rule of the prison?

A. Yes, that is the rule of the prison. I have every reason to believe that it is so. I do not see much of that though.

Q. In the examination of the bills you found that the bills are checked and O. K.'d?

A. Yes, sir. We never pass a bill that is not properly vouched for, all the way up.

Q. Mr. Shoemaker, what, in your judgment, is the effect of putting young prisoners in contact with the older and hardened prisoners, under our present system?

A. Well, worse than I would be able to tell you.

Q. Please state, in a general way, if you can, what systems, if any, you could make to remedy the evil?

A. That is a difficult matter. I do not know what to do. But, in my opinion, it simply means destruction of all hope for the young men. It reduces the percentage to mere nothing, in fact. Usually, the old criminals have strong will power and strong minds—the young, comparatively ignorant, fall immediately under their influences, and are governed by them, and whatever good resolutions they may have had when they came here, before they get out these resolutions are all gone.

Q. Do you find that many of the prisoners are sent back several times to the prison?

A. Yes; as often as five times.

Q. Do you know of any plan of separating these prisoners other than by separate institutions, to which they shall be sent?

A. I have never thought out any plan under our present system or law.

Q. What are the practical difficulties in the way of separating them under the present system?

A. Well, it would be utterly impossible in the state it is, and they would have to have different shops altogether, so great, indeed, is the invisible communication. I do not believe it could be done inside of the same walls. I believe if the comparatively innocent should be put upon the extreme north side of these eight acres, and the more vicious on the extreme south

side, that there would be communication in spite of all that we could do. This is simply wonderful; the outside world would not believe it. I could not believe it. I came here with great ideas on the subject of great reform and moral persuasion, but it is all knocked out now. I do not know of but absolutely one man that has returned to a social, business and honest life, and he is in our city. I hope there are more, but he is the only one I ever knew.

Q. The practical difficulty in the way of the reformation of the young criminals is in the associations of the young criminals with the old and harder ones?

A. Yes, that, and then the chilly coldness with which the world receives him when he comes out. When a man goes out of here with his \$15, he meets with no sympathy and no encouragement, and the brand of Cain is on them and they are discouraged, for they see nothing for them in the world but distrust. I would like to see the experiment tried of the State's having an agent whose business it should be to seek out homes and employment for men who go out of this prison (they average about one a day) so that when they go out of here they would meet with a means of getting along. I believe that would be worthy of a trial. I believe that some good could come of it. If only a few men were employed it would be a good thing.

Q. Do you think it would be of any benefit to the State and to the prisoners to adopt a system by which a discharged convict should receive a certificate of his conduct while in prison?

A. Well, it could certainly do no harm, and, in some cases, would perhaps be productive of good. I think there is quite a per cent. of cases who go out of here, that on going out, if the men could be met at the gate and taken to some farmer, or to somewhere and put in employment—some good man who wanted a man to put to work—quite a per cent. of these cases might be saved—a large number. What success such an agent would have in procuring employment, I do not know.

Q. What is the effect of the good time allowed to most of the prisoners?

A. Most admirable. I know of nothing that would encourage them more in their hopes of getting out of here.

Q. In your estimate, could any better results be obtained by increasing the allowance?

A. No, I think not. I think that what we have is sufficient inducement to get all the good results that we would probably have.

Q. Have you any suggestions to make as to any allowance that should be made to the lifetime prisoners?

A. Of course I do not know that my business here would give me knowledge on that subject. It would be my best judgment that there should not be a man in this prison without a hope of getting out. Put it in some shape—I don't know the best shape.

Q. Would it be practicable to deduct his good time from his expectancy of life, so that if his good time should reduce the period below the expectancy—to say, 50 years—then, when the 50 years of age arrives, he should be discharged on account of continued good time, if the good time should be taken off the end of his life?

A. Yes, I do not see why that could not be practicable. The life prisoners, I think it would be said to you by the officers, as a rule, are the best prisoners here. However, I get my information from the officers. I do not hardly know why that should be so. They are not, as a rule, villains. They have killed somebody by accident, or in a drunken spell, or a passion. They are not that kind of men. I think that is not an impracticable proposition. There are life men that ought to be got out of here before death, and there are men here today on small terms that never ought to go out. Their going out means that somebody would be killed or another bank broken.

Q. Do you then think it would be wise policy to adopt what is known as the parole system, leaving it in the power of the Board of Directors and Warden to release a lifetime convict on parole?

A. Yes, I am very much in favor of parole as a preference to pardon. With our network of telegraphic communications, a man can not escape. If he gets away, he is in great danger of being brought back.

Q. Have not any been paroled?

A. The Governor has adopted that policy.

Q. What do you think would be the policy of adopting a habitual criminal law, as has been adopted in some other States?

A. I do not know that I am able to say anything about it.

Q. That is, when a man has been sent to prison for the third time, that he shall be considered a habitual criminal and kept for life, subject to a parole.

A. That is closely related to the thought that I expressed some time ago about declaring a man incorrigible.

Q. Mr. Shoemaker, in your judgment, is it practicable to substitute any system of labor in prison which will be less in competition with free labor than the present system?

A. I do not believe it is. It seems to me that the utmost that could be done would be to multiply as far as practicable—there is a great limit to that—the industries; for instance, the chair business and shoe business. I do not see how the employment of 100 men making shoes for 6,000,000 of people—how the employment of 100 men here could affect them, I can not see.

Q. In your judgment, would it be wise or practicable to limit the number of men to say 100, who shall be in any one kind of industry in the prison?

A. I would not do it, at least, at once, for that would destroy that woolen mill, and it would bring a great damage to the State to do that here now.

Q. I suppose the present contracts would not be interfered with practicably by the Legislature?

A. You are a better judge of that than I am. Now, that woolen mill here, we have nothing in direct competition with that, so far as I am aware, in this State.

Q. For instance, could the woolen factory carry on their business in this prison if they were limited to 100 men?

A. I think not. It would cripple them and be a great loss, as they have machinery and capacity for twice that. They have a building adapted to 200 or nearly 300. They have machinery in there and power for that number, and that is very expensive machinery.

Q. Would it be profitable to establish a plant for an industry of that kind if the employees were limited to 100?

A. I do not feel competent to answer that. I am very free to say, however, that I would have much doubt whether a plaut of that size could compete with one three times that size. Competition is very close now.

Q. Do you aim to keep stock upon the farm of the prison owned by the State for the use of the prison?

A. Yes.

Q. Of what extent, if you know?

A. Well, to the extent required by the size and capacity of our farm. The officers could give you that better than I can, however. We have our teams. We have milch cows and other animals.

Q. What disposition is made of the slops and waste of the prison?

A. The Warden uses them, and we have been charging him up with what we regard as their value.

Q. Do you know what amount has been realized?

A. No, sir; the books will show.

Q. What amount of money is allowed the prisoner on his release?

A. \$15.

Q. Is that enough? What is your opinion as to that?

A. I have not given that any thought. It is not any too much. I am inclined to the opinion that that ought to be increased to \$20 or \$25.

Q. Would you be of the opinion that the prisoner on discharge should be sent in custody of a guard to his home, rather than discharged from the prison door?

A. Well, I think it would increase his chances of reformation. Whether the percentage of increase would be equal to the expense of it is a problem I could not solve. I think his chances of reformation would be increased by his going home. There is quite a percentage of men who are going out of here who will be sent right back from this county, who are sent from another county.

Q. Would the expense to the State be anything more than the railroad fare of the guard and prisoner?

A. No, sir.

James Murdock being first duly sworn to testify the truth, the whole truth, and nothing but the truth, testifies as follows, to-wit :

Q. How long have you been Warden of this prison ?

A. I am in my eighth year ; seven years and three months since I took possession.

Q. What is your method of purchasing supplies for the prison ?

A. My method of purchasing supplies is by large quantities, and in leading market towns.

Q. Do you purchase at wholesale or retail rates ?

A. Wholesale, all the time.

Q. To whom are the supplies delivered in the prison ?

A. They are delivered to the Steward.

Q. What examination or account is made by the Steward of the supplies furnished ?

A. The Steward takes the invoice—the purchase bill—before any of the goods are used, and if they are goods that have to be weighed, he weighs them to see that the weights are right ; if they are boxes or barrels, they are counted and marked O. K. These bills are sent to the Clerk's office, and on that O. K. of the Steward, these goods are paid for by the Clerk on my instructions.

Q. Are the goods examined and weighed upon being delivered to the prison ?

A. Anything in broken packages is weighed ; anything in full packages, such as a barrel of pork or flour, is not weighed, but that in bulk, or sacks or packages, is weighed. We buy the most of our flour from the mills here in the neighborhood. The flour is delivered in grain bags—regular grain bags—and weighed at the prison. After deducting the tare taken for the sacks off the flour, the parties furnishing the flour gets a receipt for the actual number of pounds of flour delivered and weighed on the prison scales, from the Steward. He keeps a stub, or duplicate receipt, of the one he gives to the parties delivering the flour or meat, or anything else, and on this receipt his voucher is made out and the goods paid for.

Q. Do you keep a ledger account with the various contractors in the prison ?

A. Yes, sir.



Q. Do you keep accounts with the various departments for supplies, such as clothing, feed, etc. ?

A. Yes, sir.

Q. Do you keep in the prison a daily journal or blotter in which entries are made of the receipts and expenditures on account of the prison at the time?

A. Yes, sir.

Q. Do you also then keep a cash account taken from the blotter?

A. Yes, sir.

Q. What is done with the waste or the slops from the prison table?

A. The Warden gets it.

Q. Under what arrangement, if any, with the Directors?

A. Under contract with the Directors.

Q. What does the Warden pay for them? .

A. Some years he pays more than others. The highest I ever paid was \$300 and the lowest \$150, until this last year. This last year I did not pay anything.

Q. What has been done with it during the past year?

A. It has been fed to hogs, but the deaths from cholera, and the price being so low, I lost money in place of making any, and I did not pay anything for the slops this last year on that account. I would not take any for any year if I had to pay anything now. While I am in a reasonable market for pork, and can make anything on my hogs, I am able to pay \$150 or \$200 for the slops. But after all my hogs dying this year, I would not go into any contract, or pledge myself to pay one dollar for it.

Q. What you have done has been on a contract with the Directors?

A. Yes, sir.

Q. Including this year?

A. No, sir. This year the Directors did not release me from the debt, but I told them that I would not pay it, because I felt I could not pay it out of my pocket, as it was a clean loss to me, and I did not pay anything for this year. They did not force me to do it, and did not compel me to do so after the amount I lost by cholera.

Q. What, in your judgment, is saved to the State by the purchase of the supplies in large quantities and at wholesale prices?

A. I would say at least 15 per cent. Possibly a little more, but at least 15 per cent. I buy pork as low as any butcher in the market. I buy flour as low as any retail grocer in the county. I buy anything else, taking quality into account, as cheap as anybody in the country. We buy everything for cash, or the equivalent to cash. Just as quick as bills are invoiced and O. K. we pay cash. I have bought goods where I got a discount for cash within ten days, but here I do not.

Q. Do I understand that you pay cash as a rule for all goods?

A. Yes, sir; it is equivalent to cash. Five days or ten days—that is considered cash among merchants. A great many goods that I buy of farmers I pay cash for right down as they are weighed. If I buy a pair of cattle I pay for them as soon as they are weighed.

Q. Are all the bills against the prison promptly paid?

A. Yes, sir.

Q. Are the contractors required to make monthly settlements and payments with the prison?

A. Yes, sir; and they do it. There is not a contractor in the prison owes the State a dollar only for this month's hire of the men.

Q. We find that the contractors in the prison furnish supplies in the way of light, tobacco, stationery, etc., to the prisoners. How does it come that that system was adopted by the contractors?

A. That system was adopted before I came here. Mr. Johnson was examined about its being adopted in my administration. It was not. I found that system in the prison when I came.

Q. Do the contractors do that?

A. Yes, sir.

Q. Do you find that the prisoners are supplied with sufficient light under that system?

A. I have never had any complaint reach me, only one time in over seven years, and that was from one or two men out of the shoe shop, and I had the Superintendent called in and the

matter talked over, and I never heard any more complaint since. The fact is that I find now that the convicts get more light, some of them, than they can use, because, how I know that, I let the Steward exchange with the convicts, molasses for candles, and I find that in the summer months, particularly, I can get, sometimes, 1,000 pounds of candles, and trade to the convicts molasses for them. That is how I know they get a surplus of light, because they have candles to exchange for molasses or something, and in some cases, you will find that they have three, four or five pounds of candles saved up, more than they burn, and I let the Steward buy them of the prisoners at the market price.

Q. Are the contractors in the prison allowed to exercise any control or discipline over the convicts?

A. No, sir.

Q. What is the effect, in your judgment, of the association of young criminals with the older and hardened ones?

A. I think it is very bad; indeed, I know it is.

Q. Is there any way, in your judgment, of preventing the convicts under our present system, of communicating with each other?

A. I have never been able to find any news but what they could get it around the shops as quick as I could walk around myself. As Mr. Johnson says, "on the morning after Cleveland was elected, I do not think there was five men in the prison but knew it before they had their breakfast eaten."

Q. Is it possible, under our present system, to separate them?

A. I do not see how it could be without legislation, and giving more power to our judges to make a difference between the criminals on the outside. Under our present statutes, and our court and system, I do not see how you could do it.

Q. Would any kind of separation be of any practical benefit unless they were placed in different and separate institutions?

A. It might, and still I would not consider this worth trying without it being in separate prisons.

Q. How many convicts, Mr. Murdock, do you employ about your premises.

A. We have one convict that does the chores in the summer time about the yard and house; only a portion of the time though. Now, when we are short of help and have a number of folks come to visit us, we take a convict for the day, or two days, or even a week.

A. Are any of the employes about the prison relatives of the Warden, except your son?

A. No, sir.

Q. Do you punish prisoners by preventing them from seeing friends?

A. I have never done it.

Q. Do you know of any cases of cursing or swearing at prisoners by guards?

A. Not any. I do not think that there are any cases. It is entirely against the rules. Such a thing might occur without my knowing it. It is not the practice. I would reprimand a guard a great deal quicker for doing wrong than I would a prisoner.

Q. For what offenses do you prescribe solitary confinement?

A. A continued persistence in doing wrong or refusing entirely to work after the physician had decided that he was able to work.

Q. Do you know of any instance of the convict's being sent to the solitary or dungeon without a coat or shoes in cold weather?

A. Yes, sir.

Q. How was that?

A. We do that, but there never was a time that our cellar was colder than 70 degrees, in my judgment. If you have to punish, the quicker you bring the convict down to discipline, the better it is for him, and the better it is for the prison. Those cells have been built a little over a year and they are not cold or damp.

Q. What kind of a floor has that solitary cell?

A. It has a stone floor.

Q. The convicts that have been sent there without their shoes, were they allowed to wear their stockings?

A. Yes, I did at one time see one go without his stockings because it was better on his feet to be without them.

Q. The treatment in the solitary is simply exclusive from all persons.

A. Yes, all persons.

Q. And put in darkness?

A. Yes.

Q. And what food is the prisoner given?

A. As a rule, his meat is taken from him.

Q. Then, that would leave him what?

A. His rations of bread and water.

Q. Are there any convicts employed about the premises of the Deputy Warden?

A. There are four convicts taking charge of the dining room and the Deputy Warden's quarters and the guard's quarters. This is counted as work for the State. These men pay for their board, and the money is returned into the State Treasury every month—taken out of their pay.

Q. The Deputy Warden, nor any other employe, get none of their supplies from the prison?

A. No, sir.

Q. What is the method of boarding guards here?

A. It is to charge them for their board, and to turn over the money at the end of every month to the State. You will find it on the books that it is entered up at the end of every month.

Q. Do you ever punish any prisoners by refusing them the privilege of receiving their mail or their letters withheld?

A. I have no recollection of letters ever being withheld.

Q. I believe you stated last night that you still used the cat as corporal punishment in some cases. For what offenses do you use that?

A. For insolence to any officers or foreman of the prison, on young men.

Q. How many stripes?

A. I have never known over ten in my life to be given in the prison, and that was in the case of a convict drawing a knife on the guard.

Q. What, in your opinion, is the effect of that sort of punishment?

A. I think it is the best that there ever was for serious offenses. It is less injurious to his health, and the State never loses anything by it. When the convict is put in the solitary, the State loses his time.

Q. The guard refers his charges against the prisoner to the Deputy Warden.

A. Yes; and in case of a very serious charge the Warden is sent for.

Q. When a charge is preferred against a prisoner, has the prisoner any trial and a chance to be heard?

A. He has a chance to be heard, and is heard in every case, and if he has any testimony to offer, such as other convicts, they are taken in and their testimony is heard also by the Deputy Warden, or, if a foreman, he is taken in, and a Superintendent is taken in. If there is one thing in the prison that we cat for and we do not stop for a hearing, but do it almost on sight, it is in case of fighting. Two convicts will perhaps work together, and are not allowed to talk, and they sometimes get cross-grained with each other about something, and they turn in and fight, and in that case we punish invariably both, but we punish the party that strikes the first blow more than the other, but we feel it is the duty of these men to get away from each other and report it to the guard; and that causes more catting than anything else in the prison.

Q. From your treatment of the prisoners here, do you consent that these prisoners should be free to offer any complaints to this committee that they have to make.

A. I have never in my life stopped a convict from making complaints to the committees of the Legislature, or to the Directors. I have never instructed a guard, or anybody else, to stop them from making complaints.

Q. Then, so far as your knowledge goes, no punishments have ever been made for any complaints being made?

A. No, sir. I can safely say that there never was a man punished for telling any stories to officers in this prison. I can say that with a clear conscience.

Q. How often are the cells whitewashed?

A. It is done three, four, and sometimes five times a year. It depends entirely upon the man that occupies the cell. There

are men—any number of men—here that are very neat about their person and about their cells, and would not dirty a cell in six months. While other convicts have come in out of the shops, or out of the woolen mill and shoe shop, with dirty clothes, and lay down on their beds, or rub their backs up against the wall, and in that way dirty up their cells. These cells have to be whitewashed oftener than the others.

Q. How often is the straw in their cots changed ?

A. Twice a year, and the ticks are washed twice a year.

Q. Will you permit a convict to whitewash his cell, and use any other kind of things that he wants to in his cell ?

A. Yes. The whitewashing of his cell he can not do, but the guard in the cell-house does. But anything that he would want to put in his cell, in case of paper or pictures, or anything else, we allow.

Q. Do you furnish them poison for bedbugs if they desire ?

A. Yes, sir.

Q. Do you permit convicts to receive articles of clothing and bedding and ornaments from those at home ?

A. Yes, sir. I have never refused any convict from getting boxes of provisions from home, or any article of underwear, or mattress, or comforts, or piece of carpet to put in his cell, or any other little trinket that he wanted to hang on his wall, we always permitted him to do.

Senator French, from the Committee on Finance, reported the following :

WHEREAS, John J. Lingle, Principal Journal Clerk, and John D. Megee, Minute Clerk of the Senate, have been compelled to work every night during the session of this General Assembly, arranging, correcting and fixing the journal in proper shape to be read in this Senate each morning, and have been compelled to do a large amount of extra work ; and,

WHEREAS, George A. Carr, Register Clerk, has rendered this Senate extra labor in compiling the Senate calendars, and other extra labor, connected with the printing ordered by the Senate; therefore, be it

*Resolved by the Senate,* That the said Lingle, Megee and Carr are hereby allowed the sum of one dollar per day extra for each

day of this session of the General Assembly, and the President of the Senate is hereby authorized and instructed to draw a warrant for said allowance.

J. F. Cox.

Senator French moved that the resolution be adopted.

Senator Schloss offered the Amendment No. 1, to Resolution No. 103, as follows:

MR. PRESIDENT:

I move to include in the resolution every assistant clerk, door-keepers and pages, and also reading clerk.

Senator Zimmerman moved to lay the amendment on the table.

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Barrett, Berry, Branaman, Day, Fowler, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Shively, Smith of Wells, Thompson of Marion, Trippet, Urmston, Weir, and Zimmerman. Total, 22.

Those voting in the negative were:

Senators Bryant, Cox, Duncan of Brown, French, Tharp, and Mr. President. Total, 6.

Those present and refusing to vote were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer. Total, 14.

So the motion carried, and the amendment was laid on the table.

Senator Fowler moved to reconsider the vote by which the resolution to pay the Assistant Door-keepers \$5 per day passed the Senate.

Motion carried.



Senator Fowler moved to amend by making the resolution read \$3 per day instead of \$5 per day.

Motion carried.

Senator Schloss moved to amend the amendment by making the pay of Assistant Door-keepers \$4 per day.

Amendment lost.

The resolution as amended was adopted.

Senator Smith of Wells, from the Committee on Phraseology, made the following report on Senate Bill No. 243:

MR. PRESIDENT:

Your Committee on Phraseology, to whom was referred En-grossed Senate Bill No. 243, have examined the same, and recommend the title to be amended to read as follows: "An act concerning incorporated towns and drainage therein, and declaring an emergency," and after the title is so amended your committee recommend that the same stand as the title to the act.

Report of the committee concurred in.

Senator Peterson called up Senate Bill No. 60.

The question being, Shall the bill pass?

The roll being called, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman, and Mr. President. Total, 30.

Voting in the negative, none.

Those present and refusing to vote were:

Senators Davis, DeMotte, Drake, Dresser, Duncan of Tip-ton, Ensley, Harness, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer and Winter. Total, 14.

So the bill passed.

The title to the bill as read was adopted as the title to the act.

A leave of absence was granted Senator Cox until Monday next at 10 o'clock A. M.

Senator Fowler moved that a calendar be gotten up and placed on the desks of each Senator next Monday morning.

The motion carried.

Senator Zimmerman offered the following resolution :

WHEREAS, One thousand copies or more of the Governor's message to this General Assembly being stored away in Room 85 of this building; and

WHEREAS, Said message by Governor I. P. Gray is a complete and highly instructive document of the condition of our State institutions and the financial affairs of the State, and the valuable information contained therein should be read by every citizen of the Commonwealth.

*Resolved*, That the Doorkeeper of the Senate be and is hereby instructed to see to the folding and wrapping up of said messages for the convenience of the Senators for distribution among their respective constituency.

Adopted.

Senator Andrew, from the Committee on Temperance, made the following report on House Engrossed Bill No. 20 :

MY. PRESIDENT :

Your Committee on Temperance, to whom was referred House Engrossed Bill No. 20, being a bill entitled "an act to regulate the sale of intoxicating liquors, and Senate Bill No. 334, being a bill to amend section one, two, five, six and seven of an act to regulate and license the sale of spirituous, vinous and malt liquors, etc.," introduced by Senator Sellers, have had both of said bills under consideration, and beg leave to submit the following report :

That owing in part to the delay occasioned by the necessity of returning the House Bill for a correct engrossment, and the failure of the Republican members of said committee, after notice to attend the meeting of the committee, and the want of

the time to give such careful consideration as the subject demands, the committee have instructed me to report the bills, with the amendments, back to the Senate for its action without any recommendation.

On motion of Senator Thompson of Marion, the Senate adjourned.

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### AFTERNOON SESSION.

MARCH 4, 1887.

The Senate met pursuant to adjournment, Hon. A. G. Smith, President of the Senate, in the chair.

Senator Bailey moved to reconsider the vote by which Senate Resolution No. 106 was amended and adopted.

The motion carried.

Senator Bailey moved to substitute five dollars per day for three dollars per day.

The motion carried.

The question being, Shall resolution No. 106 be adopted as amended.

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Bailey, Bryant, Duncan of Brown, Griffith, Howard of Decatur, McClure, Mullinix, Peterson, Schloss, Shively, Thompson of Marion, Tharp, Urmston, Zimmerman, and Mr. President. Total, 15.

Those voting in the negative were:

Senators Barrett, Berry, French, Howard of St. Joseph, McDonald, and Weir. Total, 6.

Those present and refusing to vote were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Johnson, Kennedy, Macy, Moon. Total, 12.

So the motion carried, and the resolution as amended was adopted.

Senator Schloss called up Senate Bill No. 309, which was read a second time.

Senator Schloss moved that the Bill be engrossed.

Senator Weir moved to indefinitely postpone Senate Bill No. 309.

The motion carried.

Senator Smith of Wells called up Senate Bill No. 81, which was read a third time.

The question being, Shall the bill pass?

The roll being called resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Day, Duncan of Brown, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, McDonald, Mullinix, Peterson, Rahm, Schloss, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Weir, Zimmerman, and Mr. President. Total, 26.

Those voting in the negative were:

Senator McClure. Total, 1.

Those present and refusing to vote were:

Senators Campbell, Davis, DeMotte, Drake, Drake, Dresser, Ensley, Harness, Johnson, Kennedy, Macy, Marshall, Moon, and Shroyer. Total, 13.

So the bill passed.

The title to the bill as read was adopted as the title to the act.

Senator Trippet called up House Bill No. 298, which was read a second time, with the report of the committee thereon.

The report of the committee was concurred in.

The amendments were considered engrossed.

Senator Schloss offered the following resolution :

MR. PRESIDENT :

*Resolved*, That the Auditor of State be, and is hereby, instructed and directed not to issue any warrant on the State Treasury, for the payment of per diem of any Senator, officer or employe of the Senate, under the provisions of the Legislative appropriation law passed to meet the expenses of the Fifty-fifth General Assembly, unless said Senators, officers or employes present a certificate to said Auditor of State, signed by Alonzo G. Smith, President of the Senate, and J. D. Carter, Assistant Secretary of the Senate, and the provisions of this resolution, also extend to the Treasurer of State and that the Secretary of the Senate forward a copy of this resolution to the Auditor and Treasurer of State.

Resolution adopted.

Senator Bailey made the following motion :

MR. PRESIDENT :

I move that a committee of three be appointed by the President of this Senate, who shall wait upon Father Bessonies, and request him to be present at the next session of this Senate to open the same with prayer.

The motion carried.

Senators Bailey, Howard of St. Joseph and Day, were appointed as said committee.

Senator Urmston called up House Bill No. 109, which was read a third time.

Senator Urmston made the following motion :

MR. PRESIDENT :

I move that Engrossed House Bill 109, be recommitted to a committee of one, with instructions to amend section 4, by inserting after the word "character," in line 6 of the original

bill, the words, "hog cholera or swine plague." And further amend said section by striking out all after the word "necessary," in line 13, the words to be stricken out being, "providing that the provisions of this bill shall not apply to swine."

Motion carried and Senator Urmston as said special committee.

Senator Urmston, from a special committee, made the following report :

MR. PRESIDENT :

Your special committee, to whom was referred Engrossed House Bill No. 109, with instructions to amend the same, would respectfully report that they have had the same under consideration, and recommend that section 4 be amended by inserting after the word "character," in line 6, the words "including hog cholera or swine plague."

Also, that the same section be amended by striking out all after the word "necessary," in line 13, being the words: "*Provided*, That the provisions of this bill shall not apply to swine."

Your committee asks that this report be received and they be discharged.

Concurred in.

The question being, Shall the bill pass?

The ayes and noes were ordered and taken, and resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Day, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, McClure, McDonald, Mullinix, Petterson, Rahm, Schloss, Shively, Smith, of Wells, Thompson of Marion, Tharp, Trippett, Urmston, Weir, Zimmerman, and Mr. President. Total, 28.

Those present and refusing to vote were :

Senators Campbell, Davis, DeHotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Johnson, Kennedy, Macy, Moon, and Winter. Total, 33.

So the bill passed.

The title to the bill as read was adopted as the title to the act.

Senator Thompson of Marion called up Senate Bill No. 12.

Which was read a third time.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, March 4, 1887. }

*Gentlemen of the Senate :*

Pursuant to the provisions of section 5473 of the Revised Statutes of 1881, I have the honor to appoint Thomas McQuade, of Clay County, Mine Inspector, to succeed himself, and to serve as such for a term of two years from the 19th day of January, 1887, and now submit such appointment to the Senate for its confirmation.

ISAAC P. GRAY,  
Governor.

Senator Weir moved that the appointment of Thomas McQuade as Mine Inspector be confirmed.

The motion carried.

The question being, Shall Senate Bill No. 12 pass?

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Berry, Branaman, Bryant, Day, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, McClure, Mullinix, Peterson, Rahm, Schloss, Shively, Smith of Wells, Thompson of Marion, Urmston. Total, 20.

Those voting in the negative were :

Senators Barrett, McDonald, Tharp, Weir, Zimmerman, and Mr. President. Total, 6.

Those present and refusing to vote were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Ensley, Harness, Johnson, Kennedy, Macy, Marshall, Moon Sears, and Winter. Total, 14.

So the bill failed to pass for want of a constitutional majority.

Senator Weir called up House Bill No. 289, which was read a third time.

The question being, Shall the bill pass?

The roll being called, resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Berry, Branaman, French, Griffith, Howard of Decatur, Howard of St. Joseph, McDonald, Mullinix, Peterson, Rahm, Sellers, Smith of Wells, Tharp, Trippet, Urmston, Weir, Zimmerman, and Mr. President. Total, 21.

Those voting in the negative were:

Senators Day, Hale, McClure, Schloss. Total, 4.

Those present and refusing to vote were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Johnson, Kennedy, Macy, Moon, Sears, and Winter. Total, 14.

So the bill failed to pass for want of a constitutional majority.

Senator Zimmerman called up Senate Bill No. 76, which was read a third time.

The question being, Shall the bill pass?

The roll being called resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Berry, Branaman, Bryant, Day, Griffith, Howard of St. Joseph, McDonald, Mullinix, Peterson, Trippet, Weir, Zimmerman, and Mr. President. Total, 14.

Those voting in the negative were:

Senators Fowler, Hale, Howard of Decatur, McClure, Schloss, Sellers, Smith of Wells. Total, 7.

Those present and refusing to vote were:

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Johnson, Kennedy, Macy, Moon, Sears, Winter. Total, 14.

So the bill failed to pass for want of a constitutional majority.



Senator Sellers called up House Bill No. 7, which was read a third time.

Senator Weir moved to refer the bill to a select committee of one with instructions to amend the bill so as not to apply to cities already in debt 2 per cent.

Senator Griffith was appointed as said committee.

On motion of Senator Barrett the Senate adjourned.

## SATURDAY MORNING.

MARCH 5, 1887.

The Senate met in regular session at 9:30 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by Father Bessonies, of Indianapolis.

On motion of Senator Shively the reading of the journal was dispensed with.

Senator French offered the following Senate Resolution No. 111.

*Resolved by the Senate, That Garber & Taylor be allowed the sum of \$610.15 as stenographers for the Senate committee appointed to investigate the management of the Insane Hospital. Also, that Henry Spann be allowed the sum of \$500 for professional services as attorney for said committee in said investigation.*

Senator French moved that the resolution be adopted.

Senator McDonald moved to refer the resolution to a special committee.

The motion carried.

The President of the Senate appointed Senators McDonald, Tharp, Sellers, Thompson and Barrett as said committee.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, March 5, 1887. }

*To the Honorable, the President of the Senate :*

By the Direction of the Governor, I have the honor to transmit herewith Senate Enrolled Bills Nos. 5, 9, 11, 13, 18, 26, 45, 75, 102, 108, 111, 127, 152, 191, 198, 208, 217, 242 and 293, received by the Governor from the House of Representatives, through the Chairman of its Committee on Enrolled Bills, each signed Warren G. Sayre, Speaker of the House of Representatives," and said bills are herewith transmitted for the signatures of the proper officers of the Senate.

PIERRE GRAY,  
Private Secretary.

The following communication was received from the Governor :

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, March 5, 1887. }

*Gentlemen of the Senate :*

Pursuant to the provisions of section 4986, Revised Statutes, 1881, I have the honor to appoint Dr. James S. Shively, of Grant County, a member of the State Board of Health, to succeed William Lomax, whose term has expired, and to serve as such for a term of four years from the 28th day of February, 1887, and I now submit such appointment to the Senate for its confirmation.

ISAAC P. GRAY,  
Governor.

Senator Weir moved that the appointment of Dr. James S. Shively, of Grant County, as a member of the State Board of Health, to succeed William Lomax, whose term has expired, and to serve as such for a term of four years from the 28th day of February, 1887, be confirmed.

The motion carried.

House Bill No. 20 was read a second time, with the report of the committee thereon.

Senator Sellers moved to suspend the constitutional rule, that the bill be considered engrossed and read a third time by sections and put upon its passage.

The roll being called resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Bryant, Branaman, Day, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, McClure, McDonald, Mullinix, Peterson, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Zimmerman, and Mr. President. Total, 25.

Those voting in the negative were :

Senators Fowler, Rahm, Schloss, and Weir. Total, 4.

Those present and refusing to vote were :

Senators Campbell, Davis, Duncan of Tipton, Ensley, Harness, Macy, Marshall, Shroyer, Thompson of Jasper, and Winter. Total, 10.

So the constitutional rule was not suspended.

Senator Mullinix moved that those Senators who were present and refusing to vote on the question, Shall House Bill No. 20 pass? be not excused from voting.

The motion carried.

Senator French offered the following resolution :

MR. PRESIDENT :

*Resolved by the Senate, That William O. Foley be allowed the sum of \$50 for services as an expert in examining the books and accounts of the Insane Hospital, said Foley being employed by the Senate investigating committee.*

On motion of Senator Schloss the resolution was adopted.

Senator Rahm called up Senate Bill No. 61, which was read a third time.

The question being, Shall the bill pass?

The roll being called, resulted as follows :

Those voting in the affirmative were: .

Senators Andrew, Bailey, Barrett, Berry, Bryant, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Weir, Zimmerman, and Mr. President. Total, 26.

Voting in the negative, none.

Those present and refusing to vote were :

Senators Davis, Dresser, Duncan of Tipton, Ensley, Harness, Johnson, Macy, Marshall, Moon, and Shroyer. Total, 10.

So the bill passed.

Senator Fowler moved that those Senators who were present and refusing to vote on the question, Shall Senate Bill No. 61 pass? be not excused from voting.

The motion carried.

The title to the bill as read was adopted as the title to the act.

Senator Fowler called up House Bill No. 293, which was read a third time.

The question being, Shall the bill pass?

The roll being called, resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Day, Fowler, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman, and Mr. President. Total, 30.

Voting in the negative, none.

Those present and refusing to vote were :

Senators Davis, Campbell, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Johnson, Macy, Marshall, Moon, Shroyer, and Winter. Total, 13.

So the bill passed.

On motion of Senator Fowler, the Senators who were present and refusing to vote on the question, "Shall the bill pass?" were not excused from voting.

The title to the bill was adopted as the title to the act.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, March 5, 1887.

*To the Honorable the President of the Senate:*

By the direction of the Governor I have the honor to inform the Senate that a message has been transmitted to the House of Representatives requesting the House of Representatives to transmit to the Governor Senate Engrossed Bills Nos. 5, 9, 11, 13, 18, 26, 45, 75, 102, 108, 111, 127, 152, 191, 198, 208, 219, 242 and 293, to be transmitted to the Senate with Senate Engrossed Bills numbered as aforesaid, for comparison, and the Speaker of the House of Representatives has informed the Governor that the request will not be complied with.

PIERRE GRAY,

Private Secretary.

Senator Weir called up House Bill No. 289.

The question being, Shall House Bill No. 289 pass?

The roll was called and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Branaman, Bryant, French, Griffith, Howard of St. Joseph, McDonald, Rahm. Sellers, Shively, Smith of Wells, Tharp, Trippet, Urmston, Weir, Zimmerman, and Mr. President. Total, 19.

Those voting in the negative were:

Senators Berry, Day, Hale, McClure, Mullinix, Peterson, Schloss. Total, 7.

Those present and refusing to vote were:

Senators Drake, Ensley, Harness, Johnson, Kennedy, Macy, Moon, Shroyer, and Winter. Total, 9.

So the bill failed to pass for want of a constitutional majority.

Senator Bailey from the Committee on Elections made the following report :

MR. PRESIDENT :

Your Committee on Elections, having under consideration the matter of the contested election case wherein Laurent Douglas, contestor, contests and denies the election of David McClure, conteste, as State Senator from the counties of Clarke and Jefferson, in the State of Indiana, at the general election held on the 2d day of November, 1886, would respectfully report that they find in favor of said David McClure and against the truth of the charges of said Douglas filed in said cause; that said charges are wholly unsupported by the affidavits and depositions before them.

Your committee would therefore recommend that said cause of contest be indefinitely postponed.

Report concurred in.

Senator Bailey moved that the vote by which the foregoing report of the Committee on Elections was concurred in be reconsidered and laid on the table.

The motion carried.

Senator Bailey offered the following resolution, No. 113 :

MR. PRESIDENT :

WHEREAS, For the first time it comes to the knowledge of this Senate that William Wamack and Allen Taylor, two colored employes under the Door-keeper, have been receiving but two dollars and fifty cents per day for their work, which has been fully and faithfully performed ; and,

WHEREAS, Five dollars per day is the usual and regular pay given to Assistant Door-keepers ; therefore, be it

*Resolved*, That the Assistant Secretary and President of the Senate be, and they are, hereby authorized and directed to draw their warrant payable to the said Wamack and Taylor, in such sums respectively, as shall make their pay at this rate, of five dollars (\$5.00) per day, for the term of their actual service.

Resolution adopted.

Senator Bailey offered Senate Resolution No. 114, as follows:

*Resolved*, That the Door-keeper shall furnish a list of the names of the Assistant Door-keepers employed by him under Resolution No. 84, with the dates upon which the employment of each began and ended, and that the Assistant Secretary and President of this Senate shall thereupon draw their warrants for each of such persons in the several sums respectively due them according to the per diem fixed for such service in Resolution No. 106.

Adopted.

Senator Bailey offered the following Resolution No. 115:

MR. PRESIDENT:

*Be it resolved by the Senate of Indiana*, That the Warden, Board of Directors, or such power as may have authority to act in the matter of selecting and appointing the First Assistant or Deputy Warden of the Prison South, be and the same is hereby requested to select and appoint Frank Pritchett, now Door-keeper of the Senate of Indiana, to the position of First Assistant or First Deputy Warden of said prison.

Resolution adopted.

Senator Bailey offered the following Resolution No. 116:

*Resolved*, That the teachers now attending the Joint Institute of Teachers, at present in session in this city, be given the liberty of the floor of this Senate at three o'clock P. M. of this day.

The resolution was adopted.

Senator Hale made the following report:

MR. PRESIDENT:

Your Committee on Inspection and Supervision of the Journals of the Senate, begs leave to report that they examined said journal from February 23 to March 5, 1887, inclusive, and find the same to be correct.

Senator Sellers called up House Bill No. 323.

On motion of Senator Sellers the Senate adjourned.

## AFTERNOON SESSION.

MARCH 5, 1887.

The Senate met, pursuant to adjournment, at 2 o'clock.

Hon. A. G. Smith, President of the Senate, in the chair.

Senator Weir offered the following Resolution No. 117 :

**MR. PRESIDENT :**

*Resolved*, That each Senator shall be allowed to retain the copy of the Statutes of 1881 provided for the use of Senators at the opening of the session.

Resolution adopted.

The question being, Shall House Bill No. 289 pass ?

The roll being called resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bailey, Barrett, Branaman, Bryant, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McDonald, Peterson, Rahm, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Trippet, Urmston, Weir, Zimmerman, and Mr. President. Total, 26.

Those voting in the negative were :

Senators Berry, Day, McClure, Mullinix, Schloss. Total, 4.

Those present and refusing to vote were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, Marshall, Moon, Shroyer, and Winter. Total, 16.

So the bill passed.

The title to the bill as read was adopted as the title to the act.

The report of the special committee on House Bill No. 323 was concurred in.

The question being, Shall House Bill No. 323 pass ?

The roll being called resulted as follows :



Those voting in the affirmative were :

Senators Andrew, Bailey, Berry, Branaman, Bryant, Duncan of Brown, Fowler, French, Griffith, Hale, Howard of Decatur, Howard of St. Joseph, Logsdon, McClure, McDonald, Mullinix, Peterson, Rahm, Schloss, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, Urmston, Weir, Zimmerman, and Mr. President. Total, 30.

Those voting in the negative was :

Senator Day. Total, 1.

Those present and refusing to vote were :

Senators Campbell, Davis, DeMotte, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Macy, McClure, Moon, Shroyer, Sears and Winter. Total, 16.

So the bill passed.

The title to the bill as read was adopted as the title to the act.

Senator French called up Senate Bill No. 315.

The question being, Shall the bill pass?

The roll being called resulted as follows :

Those voting in the affirmative were :

Senators Andrew, Bryant, Day, Duncan of Brown, French, Griffith, Hale, Howard of St. Joseph, Logsdon, McDonald, Mullinix, Peterson, Schloss, Sellers, Shively, Smith of Wells, Zimmerman. Total, 18.

Those voting in the negative were :

Senators Bailey, Howard of Decatur, Rahm, Thompson of Marion, Trippet, Urmston, and Mr. President. Total, 7.

Those present and refusing to vote were :

Senators Campbell, Davis, Drake, Dresser, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Macy, Moon. Total, 10.

So the bill failed to pass for want of a constitutional majority.

Senator Sellers called up Senate Bill No. 384, which was read a third time.

The question being, Shall the bill pass?

The roll being called resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Berry, Branaman, Bryant, Day, French, Griffith, Hale, Howard of St. Joseph, Logsdon, Mullinix, Peterson, Sellers, Shively, Smith of Wells, Thompson of Marion, Tharp, and Mr. President. Total, 18.

Those voting in the negative were:

Senators Bailey, Barrett, Duncan of Brown, McClure, McDonald, Rahm, Schloss, Trippett, Urmston, Weir, and Zimmerman. Total, 11.

Those present and refusing to vote were:

Senators Campbell, Davis, DeMotte, Duncan of Tipton, Ensley, Harness, Huston, Johnson, Kennedy, Marshall, Moon, Sears, Shroyer, Thompson of Jasper, and Winter. Total, 15.

So the bill failed to pass for the want of a constitutional majority.

A recess of ten minutes was taken at 3:20 o'clock to welcome the Joint Teachers' Association to the floor of the Senate.

The President of the Senate called the Senate to order at 3:30 o'clock.

Senator McDonald called up Senate Resolution No. 97, which was read.

Senator Fowler, from the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

Your Joint Committee on Enrolled Bills would make the following report and statement of facts upon Senate Enrolled Acts Nos. 5, 9, 11, 13, 18, 21, 45, 75, 102, 108, 111, 127, 152, 191, 198, 208, 217, 242, 293, which were sent by the Speaker of the House to the Governor instead of transmitting them to the Senate in order that said acts might be compared with Engrossed

Bills and amendments, if any: That said Enrolled Acts were transmitted by the Governor to the Senate for the signature of Hon. Alonzo G. Smith, President of the Senate, and at the request of the Senate the Governor transmitted to the Speaker of the House a message asking the engrossed bills and engrossed amendments, if any, to said bills that he might transmit to the Committee on Enrolled Bills in the Senate such engrossed bills and engrossed amendments, if any, but that the Speaker of the House refused to deliver or transmit such bills and amendments to the Governor. Your committee, therefore, has not the evidence, and can not obtain such evidence, to determine whether said bills are correctly enrolled or not, and we therefore return the same to the Senate with a recommendation that the President of the Senate sign such bills only as the authors of the same can satisfy such President as being correctly enrolled.

Concurred in.

Senator Schloss, from a select committee, made the following report on Senate Bill No. 13:

**MR. PRESIDENT:**

Senate Bill No. 13 is correct. Senator Bryant and myself compared it. Please sign.

Senator Sears made the following report on Senate Bill No. 152:

**MR. PRESIDENT:**

I have examined Enrolled Senate Bill No. 152 and hereby certify that the same has been correctly enrolled, as returned to the Senate.

**R. B. SEARS.**

Senator Zimmerman offered the following amendment to Senate Resolution No. 97:

**MR. PRESIDENT:**

I offer the following amendment to Senate Resolution No. 97:

*Resolved*, That the pension laws of the United States should be so amended that rank and title should not be taken into

consideration in granting pensions, and that all soldiers should be equal and share alike; that the only distinction made shall be in grading disability, and not rank.

Adopted.

The question being, Shall Senate Resolution No. 97 be adopted as amended?

The motion carried unanimously.

The President announced that he had signed Senate Enrolled Acts Nos. 5, 9, 13, 75, 18, 102, 108, 127, 208, and 152.

I. B. McDonald, from a special committee to investigate certain accounts, made the following report:

MR. PRESIDENT:

Your committee, to which was referred the bills and accounts of William Garber and Henry Spann, has had the said matters under investigation. After due consideration your committee is of the opinion that the account of the said William Garber is correct, and according to contract with committee, \$610.15. That your committee find that Henry Spann was employed by the committee, and that the services for seventeen days in attendance upon the sessions of said committee is worth two hundred dollars (\$200). We, therefore, report accordingly, and leave the matter to the decision of the Senate.

The report was concurred in.

The question recurring on the adoption of the resolution as amended by the report of the committee.

The motion carried, and the resolution was adopted as amended.

Senator McDonald offered the following resolution:

*Resolved*, That William H. Drapier be, and he is hereby, elected stenographer of the Senate, and instead of a per diem he be allowed for the same number of copies of the Brevier Legislative Reports of the present General Assembly, at the

same price as has been paid by the State for said reports since 1867, and for years before, under resolutions and acts in exact and identical words as to price and number of copies, and the President of the Senate is hereby directed to issue his warrant therefor, as in case of other officers of the Senate. The Bureau of Printing is directed to have said reports bound as heretofore by the State, and said stenographer is directed to forward ten copies to each member of the General Assembly.

Senator Tharp moved to refer Senate Resolution No. 119, to a special committee.

Senator Sellers moved to indefinitely postpone Senate Resolution No. 119. .

A recess was taken at 4:30 o'clock of ten minutes to welcome the teachers and pupils of the Deaf and Dumb Institution.

The President called the Senate to order and announced that he had signed Senate Acts Nos. 198, 293, 45, 11, 191, 127, 208 and 217.

On motion of Senator Tharp the Senate adjourned.

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## MONDAY MORNING.

MARCH 7, 1887.

The Senate met in regular session at 9:30 o'clock.

Hon. A. G. Smith, President of the Senate, in the chair.

Opened with prayer by Senator Smith of Wells.

The journal was read in full.

On motion of Senator Shively, the journal was approved as read.

Senator McClure, from the Committee on Federal Relations, made the following report :

MR. PRESIDENT: :

The Committee on Federal Relation to whom was referred Concurrent Resolution of the House No. 16, having received too late for action, as Congress having acted upon the subject matter of the resolution before the committee could hold a session for its consideration, I therefore report the same to the Senate without action.

Senator Shively introduced Senate Bill No. 340, entitled:

A bill for an act to prevent gambling in stocks, bonds and petroleum, cotton, grain, provisions, and other produce.

Read first time and referred to the Committee on Judiciary.

Senator Weir called up Concurrent Resolution No. 16, with the amendment to the same offered by Senator Mullinix.

The question being, Shall the amendment be adopted?

The motion was lost.

The question recurring on the adoption of the resolution.

The motion was carried and the resolution was adopted.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, March 7, 1887. }

*Gentlemen of the Senate :*

Pursuant to the provisions of section 4986, Revised Statutes, of 1881, I have the honor to appoint Dr. Samuel S. Boots, of Hancock County, a member of the State Board of Health, to succeed himself, and to serve as such for a term of four years from the 28th day of February, 1887, and I now submit such appointment to the Senate for its confirmation.

ISAAC P. GRAY,  
Governor.

On motion of Senator Weir, the appointment of Dr. Samuel S. Boots, as member of the State Board of Health, was confirmed by the Senate.

Senator French, from the special committee appointed to investigate the Benevolent Institutions, reported as follows :

REPORT  
OF THE  
SENATE COMMITTEE  
ON THE  
INSANE HOSPITAL.

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55th General Assembly of the State of Indiana.

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MR. PRESIDENT: Your Special Committee, consisting of Senators French (chairman), Bailey, Griffith, Branaman, Drake, Huston and Sears, appointed by resolution of the Senate for the purpose of investigating the condition and conduct of the benevolent institutions of the State, respectfully submit to the Senate the following report, to-wit:

That, by authority of said resolution, said committee employed William Garber as clerk and stenographer to take down for preservation the evidence taken before said committee.

That we employed William O. Foley as an expert book-keeper, with directions to make an examination of the books and papers pertaining to the Indiana Hospital for the Insane.

That before hearing testimony your committee, in a body, every member of the committee being present, proceeded to the Hospital for the Insane and made a thorough inspection of both the male and female departments of said Hospital, by going through all the wards of both of said departments of said Hospital, and examining the beds, bedding and clothing of the patients, and by talking with the patients themselves. That we visited the wash and laundry-room, the boiler-room, the store-room, and the dining-room of the patients, and from our personal inspection we found extreme cleanliness in every department of the Institution. We made a personal inspection of the meats, butter, fruits, vegetables, etc., on hand, and of the cooking, and of the bread and pastry in the bakery, and the committee was unanimous in its approval of all that came under its personal observation. We found the wards, halls, closets, and bed-rooms in a perfect state of cleanliness. There was not a bad odor to be detected anywhere. In every ward was found a large bath room and tub, well supplied with every facility for bathing the

patients, all of whom presented a neat and tidy appearance. The laundry is supplied with a vast amount of modern machinery, and your committee viewed a large number of people, many of them patients, busily engaged in the ironing, drying, and in other parts of this department, in washing the clothing, bedding, etc., of the Institution. The Hospital wards are especially bright and cheerful, being surrounded by every comfort.

We visited the pump-house and investigated the water supply and fire protection which we found to be in every particular adequate.

We then began the taking of testimony :

The prosecution, if such it may be called, was represented by W. D. Foulke, Oliver T. Morton and Louis Howland, and they acted as attorneys in said investigation. The committee employed Henry N. Spaan to conduct the examination and to act as counsel for said Hospital. The investigation has been very thorough, there being neither limit placed upon the time, nor upon the number of witnesses that were examined.

We examined 125 witnesses, including officers and attendants of the Institution, the members of the Board of Trustees, the neighbors that live about the Asylum, and contractors and grocers and business men generally who furnish supplies for the Institution; also, the members constituting the committee appointed by the Indiana Civil Service Reform Association, and numerous others.

We also subpoenaed W. D. Foulke to testify before the committee, but he left the city and excused himself by saying that all that he might testify to would be covered by Dr. Fletcher's testimony, and, in fact, he would be willing to rest the case on Dr. Fletcher's testimony. We ask a careful reading of the Doctor's evidence as it appears in the stenographic report of the investigation.

Full and free scope was given during the investigation, a much more liberal rule in asking questions having been allowed by us than is usually allowed in a court of justice.

First, we will state in a general way that none of the charges made against said Institution by the Indiana Civil Service Reform Association, except that the management is Democratic, have been sustained by the evidence. Full and free investigation was had upon every point, and the evidence was overwhelming that this Institution is one of the best managed in this or any other country; that the patients are better cared for; that their health is better; that the sanitary condition of the Hospital is better; that the food supply is better; that the medical attendants are efficient, and the general comfort of the patients is as well secured as in any Institution of this country or in Europe, so far as disclosed by the witnesses who had personal knowledge of such other Institutions; and on this point we call special attention to the testimony of Superintendent Fletcher.

The first charge made against the Institution by the Indiana Civil Service Reform Association is that it is run upon a partisan basis; that all the employees, including the medical staff, the Board of Trustees and other officers are Democrats. This is true.

The second charge is that those who furnish supplies to said Institution are Democrats and politicians, and that they get their contracts for supplies by reason of that fact. This charge was disproved by the witnesses furnished by the prosecution. It was overwhelmingly shown by the witnesses for the



defense that any man or firm who got the contract to furnish supplies to said institution procured the same simply and solely by being the lowest and best bidders. Instead of the furnishers of supplies being Democrats and politicians, as charged, they were composed of the best business men of the city of Indianapolis and surrounding country, both Republicans and Democrats alike, and that three-fourths of whom were Republicans. Such firms as D. P. Erwin & Co., Murphy, Hibben & Co., Kiefer & Co., Hollweg & Reese, The Brooks Oil Company, Arthur Jordan, John E. Sullivan, Daniel Stewart, Franklin Landers, William H. English, and men of this class, wholesale and retail merchants, some of them doing business of \$1,000,000 or \$1,500,000 per year, all men of high character and high standing, owners of large real estate and large interests in and about the city; men of business integrity and personal honesty were the men who furnished the supplies to this Institution. In order to believe the charges that have been made we would have to believe that these men are the men who furnished the bad supplies which it is charged were furnished to that Institution.

The third charge is favoritism in letting and awarding contracts. It was shown by overwhelming evidence that no contract was let at any time except upon public and open competition and the testimony of the men and firms mentioned above as furnishers of supplies, was that they could only get contracts when they were the lowest and best bidders, and that sometimes they are compelled to bid close in order to secure contracts, that they furnished the same at merely nominal profits; and it was the almost universal opinion of those who furnished goods that the trustees, who had in charge the matter of procuring supplies, very carefully and closely looked after the interests of said Institution in making such purchases. On this point we call attention to the names of the firms and of the men furnishing these supplies, as disclosed in the printed evidence taken before this committee.

The fourth charge is in reference to the incompetency of J. S. Hall, steward and book-keeper of the said Institution. Only two witnesses testified to his incompetency, and both of them admitted on cross-examination that they were not in a position to judge of this incompetency, but that it was just simply a general impression with them, and that the Trustees were more competent to judge than they were. It was shown by the Trustees themselves that they had complete confidence in Mr. Hall.

It was charged that on one occasion Mr. Hall had been guilty of mutilating one of the ledgers of the Asylum by tearing a page therefrom. Regarding this charge the facts are that Mr. Hall ordered his subordinate, Mr. Roth, to tear from the book of the store-house ledger a leaf, which was furnished to the Sentinel Company as a sample from which to print a book similar to the one from which the leaf was taken. This fact was also established by the employees of the Sentinel Company.

The next charge is the extravagance of the Board of Trustees. Upon this point there was some evidence that apples had been bought at a higher price than necessary—one car load. This was the only evidence; and, as already stated, it was proved by the men who furnished the supplies that they were compelled sometimes to furnish goods at the cost price and even at a loss in order to procure contracts from the Institution. It was shown by the evidence that during the last year said Institution has been run \$50,000 cheaper than any other year within its history; and that, too, in the

face of the fact, that numerous improvements involving the expenditure of large sums of money have been carried on and executed at said Institution.

The following comparative statement made from the records for fourteen years, as to the expenses of the two parties in control, will allow an impartial public to say whether the management is extravagant or not.

The following shows the per capita expense, including subsistence, salaries, wages and house furnishings. It is taken from the records and is correct:

**Expenses under Republican management:**

1872—Per capita per annum.....	\$253 76
1873—Per capita per annum.....	257 92
1874—Per capita per annum.....	303 16
1875—Per capita per annum.....	255 32
1876—Per capita per annum.....	233 48
1877—Per capita per annum.....	206 44
1878—Per capita per annum.....	173 68

Total for seven years.....\$1,683 76

**Expenses under Democratic management:**

1879—Per capita per annum.....	\$191 34
1880—Per capita per annum.....	184 64
1881—Per capita per annum.....	184 97
1882—Per capita per annum.....	194 00
1883—Per capita per annum.....	194 00
1884—Per capita per annum.....	177 02
1885—Per capita per annum.....	173 43

Total for seven years.....\$1,299 37

Showing a difference of..... \$384 39

For 1886, expenses per capita per annum, \$160.02—the lowest ever known in the history of the Institution.

Under the Republican management for seven years the average cost of maintaining a patient was \$240.53, while under Democratic management it cost but \$185.62. The average number of patients during these fourteen years was about 800. Taking that number as a basis, the Republican party would expend in the fourteen years about \$2,680,000, while the Democratic party in the same time would expend but \$2,052,000, making a saving for the same length of time of over \$628,000.

The next charge is that bad food was furnished to the patients. The only evidence upon this point was that in the opinion of some of the witnesses bad rice, canned fruit, prunes, etc., had been furnished occasionally, and that strong butter had been furnished at times; and also that upon one occasion butter with skippers in it got into wards 1, 2 and 3, of the female department in 1886, but was discovered before the patient had eaten any of it, and was not used. There were several persons who testified that strong butter had been furnished the Institution, but more especially during the

summer months. It was, however, generally given as the opinion of such persons when asked upon the subject, that such occurrence considering the amount of butter used by the Institution and the changeable character of such a commodity, was no more frequent than would occur in any well-regulated hotel or family of the country.

It was shown by overwhelming evidence, including that of Dr. Fletcher himself, that the character of the food furnished to the patients is as good, if not better, than it is in any other institution of the kind in this country or Europe. Dr. Fletcher said upon the witness-stand that in the European institutions he visited with a view to learning their management, and from the reports that he read of other institutions of like kind, meat is furnished twice a week only, butter is a luxury, and the class of food furnished is by no means as good nor abundant as that furnished in this Institution. It was shown by employes who have been connected with this Institution from five to fifteen, and in some instances, twenty years, that the food supply now is better, more abundant and various than it has ever been before in the history of the Institution. That the meat is good in quality and abundant in quantity; that the bread is, as a rule, good; but as in all hotels and families, there is an occasional sour batch, and once in a while a bad barrel of flour. Vegetables of all kinds are abundantly furnished in their season, and also luxuries in the shape of watermelons, bananas, oranges, lemons, apples, oysters, strawberries, and all kinds of small fruits. For the sick a special diet is procured, and they have all the delicacies of the season furnished them. This special diet includes every variety of food, cooked in every way, as ordered by the physicians—meats of all kinds, poultry, oysters, etc., are also included. In fact, it was stated by Dr. Fletcher upon his cross-examination, that the food supply for the patients is better than that of most American families, and he so repeatedly stated in his reports to the Governor. The following is a quotation from Dr. Fletcher's report of October 31, 1886:

"From a constant personal observation and daily inspection of six physicians, five supervisors, four dining room stewards, 125 attendants and five cooks, but one conclusion can be reached—that is, that all the essential foods and many luxuries have been constantly furnished, in sufficient abundance to maintain the population in good health, as is shown by the general increase in health of a large majority of the patients; and that in quality, the food was as good and well prepared as that found on most of the tables in America

Over 58,000 gallons of sweet milk, 561 gallons of oysters, 1,397 pounds of poultry, four car loads of watermelons, fifteen car loads of apples, several thousands of oranges and bananas, and other fruits, were consumed during the year.

Dr. Fletcher also testified before your committee that no meat ever went upon the tables without a personal inspection by himself; that before any hogs were slaughtered he always designated the particular hogs that were to be slaughtered; that he personally examined their appearance after being killed, and their organs, and by this examination he is enabled to say with confidence that no diseased hogs were ever killed for use at said Institution; that in case meats were purchased from dealers, he also made a personal inspection of the same; that never, within his knowledge, had bad meat been used at that Institution; that meats from the hogs slaughtered at

said Institution and that purchased from dealers for use at said Hospital was used on his own private table for his family and guests without culling or selecting, and that the meats used by himself and family and other officers of said Institution were the same kind and quality as that furnished the patients.

The next charge is that diseased hogs were killed and used for food there. The most that was shown upon this point, even if the evidence of the witnesses for the prosecution alone is looked to, was that some hogs died out of a drove of 100, and that they died from cholera. But none of the witnesses for the prosecution testified that any hogs had ever been killed out there and used for food that they knew had cholera, or were in any wise affected by it. The testimony for the defense shows conclusively that no hogs ever died out there with the cholera. Dr. Fletcher's testimony is that he cut open and thoroughly examined the carcasses of the hogs that died of disease, and that, in his opinion, they died of pleuro-pneumonia. The butcher that killed all the hogs at that Institution, and who has been there for nineteen years, and who is a thoroughly competent any practical butcher, said the hogs did not die of cholera, and that no hogs were ever killed there that were diseased in any way. Mr. Jamison, who shot the hogs, and has been at that Institution for seven or eight years, says that none of the hogs had the cholera, and that he was present at Dr. Fletcher's investigation, and that Dr. Fletcher pronounced it pleuro-pneumonia.

The next charge is cruelty to the patients. One or two instances were shown by the prosecution of cruelty to patients. It was shown, however, that the guilty attendants were immediately discharged by Dr. Fletcher, and it was the testimony of Dr. Fletcher and other officers of the Institution that if attendants were merely suspected of being guilty of cruel treatment to patients they were discharged without further proof. Dr. Fletcher testified that the entire responsibility rested upon his shoulders; that if the patients were badly treated it was his fault, and he held himself responsible for it, and it was for this reason that he always took the liberty of discharging an attendant whom he merely suspected of cruelty.

It was also charged that several patients had escaped from this Institution. This is true only in two instances, that of a woman by the name of Dallas and a man by the name of Knorr. It is proper to state in this connection that the State ought to build about the Institution a high, strong fence. This has not been done because of a want of money. Neither are there sufficient attendants, because of the lack of means to properly guard the patients and prevent escapes. The Dallas woman disappeared in a very mysterious way. Every effort was made in her case, and also in the case of Captain Knorr, to recapture and learn their whereabouts; but notwithstanding the most strenuous efforts and the expenditure of large sums of money, the Hospital authorities were unsuccessful. In view of the large number of patients who are daily taken out for exercise on the grounds of said Institution, it seems practically impossible to avoid an occasional escape, and especially inasmuch as the Institution is not protected by a proper fence. It is far more important, however, that the slight chance of an occasional escape should be incurred than that the large number of patients should be denied proper outdoor exercise.

It is the opinion of numerous witnesses who have known that Institution intimately for years, running back as far as eighteen years, that the patients are better treated by the attendants, and that the attendants as a class are better than have ever been before in the Institution, and that Dr. Fletcher especially has insisted upon the kindest treatment possible toward the patients.

The next charge is that Dr. Harrison, the President of the Board of Trustees, is a man of bad character. This attack upon Dr. Harrison is, in the opinion of this committee, one of the most infamous outrages ever perpetrated upon a public official. The facts in the case are as follows: In 1877 or 1878 Dr. Harrison was the Superintendent of Public Schools in Boone county, of this State. He had made many political and personal enemies because he was a man of indomitable energy and fearless in the expression of his opinion. Most of these enemies were men in his own profession, and Republican politicians. While he was Superintendent of Public Schools charges were filed against him before the Board of Commissioners, all of whom were Republicans, and after a long and tedious trial and investigation, running clear back to the boyhood of Dr. Harrison, and involving the examination of many witnesses, he was fully and unanimously acquitted of these charges by said board. The charges embraced such crimes as abortion, drunkenness, dishonesty, and, in the language of one of the witnesses, "everything except murder." It was also so shown that for five years after his acquittal Dr. Harrison remained the County Superintendent of Schools, and, in fact, up to the date when he resigned said office to accept the position he now holds. It is also evident to your committee that the charges against Dr. Harrison are malicious. Some of the witnesses admitted that they were his personal enemies, and a careful reading of all the evidence adduced by the prosecution reveals the fact that the charges against his personal character are supported only by the evidence of either his personal or political enemies, and is much colored by their apparent malice. It is also evident to your committee that the witnesses called to impeach his character before this committee are the same men who instituted the investigation before the Board of Commissioners of Boone County, and who employed private counsel out of their private means to prosecute him upon a charge the trial of which, before a board all of whom were Republicans, resulted in his triumphant vindication. The entire number of witnesses who testified to his bad character was thirteen, and some of these were shown to be common drunkards and only two of them were men of property, standing and influence. On the other hand over forty citizens of Boone county, Republicans and Democrats, including the Mayor of Lebanon, who is a Republican, the Sheriff of the county, and, in fact, the leading officers of the county, the business men, bankers, merchants, ministers and farmers, all testified that Dr. Harrison is a man of sterling worth and of good character, that he is an active and energetic man; that he worked for the good of his town and county; that he was a man of strong opinions, and is free in giving expression to his views on all subjects; that he has been faithful in the discharge of his duties as President of the Board of Trustees of the benevolent institutions, and has ably seconded the efforts of the Superintendent of the Hospital for the Insane in bringing that Institution up to such a high degree of efficiency that it is equaled by but few similar institutions and excelled by none.

It is the deliberate opinion of this committee that no man under the fierce light of such an investigation as this has been could have presented a better character than Dr. Harrison has done.

The next charge made against the Institution is in the nature of a general charge. It has in it such items as mismanagement, incompetency of officials, corruption on the part of the management, and other charges. In regard to the mismanagement of the Institution the committee has this to say: That the Institution is better managed now than it ever has been in its past history; that it is a better managed Institution than any like Institution that the witnesses who testified had personal knowledge of. So far as the incompetency of the officials is concerned, it was shown that the medical corps are men of high standing, and of character and proficiency in their profession; that the attendants are careful and competent; that the Trustees have done everything in their power, so far as the means placed at their disposal would allow, to further the interest of the Institution. Upon the charge of corruption the committee has this to say: That there was absolutely no proof on that point whatever. Not one witness testified to any one fact that would ever lead to a supposition that any of the officers of the Institution were in anywise corrupt. It was sought to be shown that there were personal relations between Dr. Harrison and John E. Sullivan of a corrupt nature. There was no evidence upon this point even tending to establish the truth of such a charge. Mr. Sullivan was a furnisher of supplies for this Institution. It was shown overwhelmingly that the contract he secured for furnishing supplies were all obtained like other contracts, by being the lowest and best bidder; that no officers of that Institution were under a money or personal obligation to him, and that there was no corruption in his dealing whatever with the officers of this Institution. It was shown that in several instances Mr. Sullivan furnished butter to this Institution that was bad, but it was promptly returned to him and replaced by a good article. In fact, we may say this of most all the contractors that furnished supplies to this Institution. Very few of them furnished supplies but what had some part of their supplies returned to them, either because they were below the quality required or because they were not the kind that were ordered. It was shown, however, that in every instance the proper quality and kind was furnished in the place of that returned.

The principal witness against Mr. Sullivan was a man by the name of Arthur Jordan. Mr. Jordan himself testified that during the last year he had had five butter contracts with that Institution; that his butter was returned to him every one of the five times, his statement being that this was because of discrimination against him, but the testimony of other witnesses being overwhelmingly that it was because his butter was bad. It was also shown that Mr. Jordan was a witness very much prejudiced against Mr. Sullivan and the store-keeper of the Institution, and it is the opinion of this committee that Mr. Jordan's testimony was largely colored by his feeling in this matter.

It was charged that in 1882 Mr. Sullivan furnished to the board preceding the present one a quantity of butter for which the board disallowed his claim, because the butter was bad, and that the present board, in the face of that disallowance, allowed the claim and paid it to him, the amount being \$476.25. Your committee is of the opinion that there is sufficient evidence

to show that Mr. Sullivan did furnish the butter required, that the butter was used by the Institution, and that the present board was justified in paying Mr. Sullivan the above amount.

It was also charged that boilers had been furnished for this Institution that were of an inferior quality, and that they were not sufficient for the use to which they were put. This charge was not sustained. It was shown that the boilers were patched within a year and a half after they were put in, but it is the opinion of this committee that said patching was necessary, not because of the inferior quality of the iron, but because the boiler had been improperly set up by Henry Stacey, the former civil engineer, and that was the cause of the injury to the boilers. It was shown that the boilers now perform their work satisfactorily. The evidence against these boilers came from men who were either discharged employes, or men who had a personal grievance to vent against the contractors who made the boilers, or against the officials of the Institution. It may be proper to add that nearly every witness who complained of the management of the Institution had to admit that some personal grievance was at the bottom of the complaint, many of such witnesses being discharged employes; others having some personal grievance against those in authority over them. One or two were former patients at the Hospital, whose competency to testify by reason of their mental condition your committee doubts. Others were unsuccessful competitors for the patronage of the Institution; and at least one has been charged with almost every crime in the calendar and more than once convicted; so that we deem it proper to say that their testimony must be received with that degree of caution that attaches to such witnesses.

The committee further report that since the present board came into power the following improvements have been made for the benefit of the patients in this Institution: The old system of dining rooms has been done away with and general dining rooms have been established, and this, in the opinion of the officials of the Institution, is a very great improvement, and results in a saving of at least 15 per cent. of the amount of food necessary to supply said Institution. All liquors and alcoholic drinks have been dispensed with; all instruments of restraint and punishment have been abandoned. When the weather will permit, all patients, not incapacitated by sickness, are given outdoor exercise in charge of their attendants. Schools have been established, both in the male and female department; the training schools for the attendants and regular Sabbath school services have been established. It is further shown that the patients are given every opportunity to write to their friends: they are given books and papers and periodicals to read; they have pastimes and games; they have music and dancing and gymnasium exercises. In fact, everything that can be done to divert them is done. Lawn games, such as croquet, foot-ball and base-ball in the summer time are encouraged. The members of the Civil Service Reform Association, Mr. Morton and Mr. Howland, were put upon the witness stand and examined by the counsel for the committee, and it was shown in their examination that they signed their printed report, which was used as a campaign document by the Republican party in the last campaign, without having personal knowledge of the facts stated in that report. It was shown by several witnesses whose names are mentioned in that report that they did not give the information which it is claimed that they gave in that report, notably

**Mr. Francis Burt, of the Brooks Oil Company.** He denied in toto the charge which appears upon page nine of that report. Mr. Roth denied in the face of Mr. Howland's assertion that he (Mr. Roth), had ever talked to Mr. Howland at all about the Institution. It was shown that the members of that committee, William D. Foulke, Oliver T. Morton and Louis Howland, had spent in all their investigation at that Institution not to exceed five hours; that not over two hours of this time was expended upon examination of the records; that the only records they examined was some correspondence and superintendent's reports and ward reports. It is the deliberate opinion of this committee that the Civil Service Reform Association was not at all justified in making the report referred to.

The report of William O. Foley, who was appointed as an expert book-keeper by the committee, with directions to make a full examination of papers, books, records and contracts of said Institution, is filed herewith as a part hereof. It appears from said report that the books and records of said Institutions have been neatly and correctly kept; that all the funds of said Institution have been accounted for and properly managed; that the board have been economical and prudent in their administration of affairs, and that the papers pertaining to the business of said Institution are properly filed and presented, and that the books, papers, contracts and records are kept in a workman-like and business-like manner; that the books and vouchers of said Institution balance and agree with those kept by the Auditor of State.

Your committee reports that this Institution is the noblest charity in this State; that the officers connected with it are gentlemen of good character who have used every endeavor, so far as their means will allow, to make this Institution efficient and the pride of the State. Some improvements are necessary. These have not been made simply because the means placed at the command of the officers of the Institution have been limited. We would suggest that there ought to be built a large laundry; that the Institution ought to be securely fenced, and that a more commodious bakery ought to be built.

We do not believe the charge is true that because said Institution has been run upon a partisan basis its efficiency has been lowered, and no suggestion has been made to this committee by witnesses who were capable of judging, and whose opinion was called for, of a system that would be better than the present one.

The objections made to the present system are simply that the Institution is used for party advantage. This is true only in the sense that Democrats alone are employed there; but there is no evidence before this committee that the Democrats employed are inefficient, incapable or dishonest; and we do not think the mere fact that the employees are Democrats makes any difference in the management or efficiency of the Institution. In fact, if the employees were Democrats and Republicans equally divided there would be more danger of political differences and political discussion leading to the inefficiency of the attendants than there is now, when all are of one political faith.

The charge that the trustees have procured appointments for political favorites without regard to efficiency is not true. The charge that Senators and Representatives recommended appointments is true, but there is no evidence whatever that these appointees were not efficient. In fact, Dr.



Fletcher testified that they averaged as well as his own, and that he was thankful for recommendations of this kind, because it was impossible from his own personal knowledge to make all the appointments necessary and provide suitable men. In conclusion your committee finds—

1. That the material charges made by the Civil Service Reform Association of Indiana against the management of the Indiana Hospital for the Insane, except as to the politics of its officers and employes, are false, and their publication to the world was unjust to that Institution and manifestly a cowardly and brutal disregard for the public heart which beats so warmly for her unfortunate wards.

2. That while some of the persons conducting the alleged civil service reform investigation may have been deluded into the belief that it was *pro bono publico*, yet guided by the hands of adroit and designing politicians, they were made a "cat's paw" for the Republican State Central Committee; and their report, made on the eve of the campaign of 1886, was not founded on truth, but was made for partisan and corrupt purposes.

3. That the inmates are supplied with good and wholesome food in abundance.

4. The present management is especially characterized with a humane and wise regard for the personal comforts of its patients; cruelty or the appearance of cruelty is not tolerated.

5. The patients, their clothing, beds and bedding; the wards, halls and dining-rooms are models of purity and cleanliness. The sanitary condition, in general, is of a high order of excellence.

6. The barbarous custom of subjecting the inmates to mechanical restraints and brutal punishments have been entirely abandoned.

7. Day schools, Sunday schools, theatrical performances, daily out-door drills and exercises, lawn games, training schools, musical entertainments, and other means of employing the minds of patients and putting them under pleasant influences, have all been established by the present management.

8. The management has been prudent, honest and economical. The *per capita* cost of maintaining patients for the past year is less than ever before.

9. The charge that cholera hogs have been killed and used for food is maliciously false and wholly unsupported by the testimony of a single witness. There was some evidence that some few hogs out of a drove of about 100 died, presumably, according to some witnesses, from cholera. There was little authentic testimony, however, even tending to support this proposition. The testimony of Superintendent Fletcher, Mr. Hunt, the butcher, Mr. Jamison, and others, who cut open and examined the hogs which died, all deny that they were afflicted with cholera. The evidence conclusively shows that there never was a hog suffering from any disease slaughtered for use in this Institution. No one of all the witnesses examined pretends to claim to the contrary.

10. It has been charged that maggoty butter was used in the Institution. This is a sensational and malicious lie. The evidence shows that in October, 1886, butter containing insects was sent to Wards 1, 2 and 3 of the female department; that so soon as this fact was discovered the butter was removed. The above case is the only instance where such butter has ever been placed upon the table of any of the wards, and this was clearly an oversight, corrected as promptly as discovered.

11. The water supply for domestic and fire purposes, by recent changes made by the present board of trustees, is now abundant and of a pure quality.

12. Concerning the charge of bad iron in the boilers, the evidence conclusively shows that the iron was charcoal hammered No. 1, 55,000 tensile strength quality, and fully up to contract; that they are now in use and doing good service and capable of withstanding from three to five times the pressure required of them.

13. That the books are perfectly kept, and the finances of the Institution are fully accounted for.

The committee desires to say that throughout their arduous labor every opportunity for the closer scrutiny into the books, papers, contracts, methods and affairs of the Institution has been afforded them by the members of the board of trustees, Superintendent Fletcher, Dr. Thomas, and other officers, all of whom seemed especially anxious that the investigation should be thorough, searching and final.

The Institution is, at all times, open to the public; and this committee joins its officers in requesting that all persons having an interest in its honest, faithful and humane management visit the same, that they may see and know for themselves.

And to the end that the truth of this report may be verified, we invite the several boards of county commissioners of this State to appoint six reputable citizens of their several counties, equally divided in politics, to visit and examine into the management of said Institution, which persons so selected shall have the power and privileges in making such investigation as may be necessary, to a full, true and complete finding, and that they shall report the facts back to the commissioners appointing them.

**JAMES W. FRENCH,**

*Chairman.*

The question being, Shall the report of the committee be concurred in ?

The motion carried, and the report of the committee was unanimously concurred in.

The President of the Senate announced that he had signed Enrolled Senate Act No. 111.

Senator Urmston made the following motion :

MR. PRESIDENT :

I move that there be printed one thousand copies of the report of the committee appointed to investigate the Benevolent Institutions, with the evidence, and when so printed the State Librarian be and is hereby authorized to distribute the same.

Motion carried.

Senator Bailey offered the following resolution, No. 121 :

*Resolved by the Senate of Indiana, That we, at this time, desire to express our high esteem for the Honorable Alonzo G. Smith, President of this Senate, and to record our warmest and most unqualified approval of our admiration for the faithful, intelligent, courageous and impartial manner in which he has performed the arduous duties of the important office during the present session. The manly and determined attitude which he has uniformly taken against all would-be invaders of the Constitution and the peoples' rights, especially meets with our approbation.*

The thanks of the members of the Senate are due and hereby tendered to the said Honorable Alonzo G. Smith for the courteous and impartial treatment which they have personally received at his hands.

Adopted.

Senator Zimmerman offered the following resolution :

*Resolved, That the thanks of this Senate are due the Democratic press of Indiana in gallantly and vigorously sustaining the patriotic and determined efforts of the majority of the people's chosen representatives of the Fifty-fifth General Assembly in preventing political corruptionists from stealing the United States Senatorship, and more particularly in upholding*

the little heroic band of thirty-two Senators in their firmness and devotion to long cherished principles, and maintaining intact the lawful organization of the Senate.

Resolution adopted.

Senator Schloss offered the following Senate Concurrent Resolution No. 17:

MR. PRESIDENT:

*Resolved by the Senate, the House Concurring,* That it is the sense of the Senate and the House that the Attorney General should aid the legal authorities of Clark County, Indiana, in prosecuting and bringing to justice any officers or employes of the Penitentiary South charged with violation of the criminal laws of the State.

Resolution adopted.

Senator Bailey moved to amend by referring Senate Resolution No. 123 to a special committee with instructions to report it back to Senate at 3 o'clock this afternoon.

The amendment was accepted.

Senator Day moved to lay the Senate Resolution No. 123 on the table.

The motion carried.

Senator Weir offered Senate Resolution No. 123, as follows:

WHEREAS, The Hon. A. G. Smith, Senator from the county of Jennings, is now President pro tempore, and his term of office will expire previous to the meeting of the next regular session of the General Assembly; therefore,

*Resolved,* That the Senate do now proceed to the election of a President pro tempore of the Senate, selecting a Senator who holds over and whose term of office will continue until after the meeting of the next regular session of the General Assembly.

*Resolved,* That James F. Cox, Senator from the counties of Morgan, Johnson and Brown, be and he is hereby elected President pro tempore of this Senate.

The resolution was made a special order for 3 o'clock this afternoon.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, March 7, 1887. }

*Gentlemen of the Senate :*

Pursuant to the provisions of section 4986, Revised Statutes 1881, I have the honor to appoint Dr. John S. Taylor, of Montgomery County, a member of the State Board of Health, to succeed William Lomax, whose term has expired, the Hon. James S. Shively having declined the appointment, and to serve as such for a term of four years from the 28th day of February, 1887. And I now submit such appointment to the Senate for its confirmation.

ISAAC P. GRAY,  
Governor.

Senator Weir moved that the appointment of John M. Taylor, of Montgomery County, as a member of the State Board of Health, be confirmed.

The motion carried.

Senator Logsdon offered Senate Resolution No. 124, as follows:

MR. PRESIDENT :

*Resolved by the Senate,* That we hereby tender to the Clerks and Door-keeper, and their employes of the Senate, our thanks for the faithful and impartial manner in which they have discharged their duties.

The resolution was adopted.

Senator Bailey offered Senate Resolution No. 125, as follows :

*Resolved,* That Miss Emma Salter be, and she is hereby allowed the sum of one hundred dollars as extra compensation for additional services rendered the several committees of this Senate, and the Assistant Secretary and President of the Senate are directed to draw a warrant for said sum, payable to her order, accordingly.

Senator Weir moved to lay the resolution on the table.

The motion carried, and the resolution was laid upon the table.

Senator Fowler offered the following report on enrolled bills:

MR. PRESIDENT :

Your Joint Committee on Enrolled Bills would report that they have delivered to the Governor, for his consideration and approval, Senate Bill No. 111, properly signed by Hon. Warren G. Sayre, Speaker of the House of Representatives, and Hon. Alonzo G. Smith, President of the Senate, this 7th day of March, 1887.

Senator Fowler made report from the Committee on Enrolled Bills, as follows :

MR. PRESIDENT :

Your Joint Committee on Enrolled Bills would report that they delivered to the Governor, for his consideration and approval, March 5, 1887, Enrolled Senate Acts Nos. 5, 9, 11, 13, 18, 45, 75, 102, 108, 127, 152, 191, 198, 208, 217 and 293, all properly signed by Hon. Warren G. Sayre, Speaker of the House of Representatives, and Hon. Alonzo G. Smith, President of the Senate.

Concurred in.

Senator Fowler offered the following communication from Webster Dixon, Principal Secretary of the Senate:

MR. PRESIDENT :

*To the Honorable Senate of Indiana :*

I, Webster Dixon, Secretary of the Senate, beg leave to respectfully submit to your honorable body the following report, to-wit: That on the seventh day of March, 1887, I bore to the House of Representatives the following message, to-wit:

MR. SPEAKER :

I am directed by the Senate to inform the House, that the Senate has passed Engrossed Senate Bill No. 134, a bill to authorize the issue of graduated drainage bonds by the Boards of County Commissioners for the payment of assessments in drainage under acts of the General Assembly.

Also, that the Senate has passed Engrossed Senate Bill No. 306, a bill concerning voluntary associations for the purpose of forming Fair Associations.

Also, that the Senate has passed Engrossed Senate Bill No. 141, a bill for an act to amend an act entitled an act regulating insanity inquests.

Also, that the Senate has passed Engrossed Senate Bill No. 60, a bill to provide for the superintendency of the work of repairs on the several free turnpike roads in the various counties in the State of Indiana.

Also, that the Senate has passed Engrossed Senate Bill No. 243, a bill concerning incorporated towns and drainage therein.

Also, that the Senate has passed Engrossed Senate Bill No. 31, a bill to amend section 3, of an act entitled an act providing for the election of clerks of the Circuit Courts.

Also, that the Senate has passed Engrossed House Bill No. 109, a bill for an act to provide for the appointment of a live stock sanitary commission and a State veterinarian.

Also, that the Senate has passed Engrossed House Bill No. 293, a bill concerning liens of mechanics, laborers and material men, amending sections 1, 2, 3 and 6, of an act entitled an act concerning liens of mechanics, laborers and material men, approved March 6, 1883, etc.

Also, that the Senate has passed Engrossed Senate Bill No. 61, a bill providing for the support of the three additional hospitals for insane.

Also, that the Senate has passed Engrossed House Bill No. 289, a bill to prohibit the transfer or assignment of claims for the purpose of unjust garnishment.

Also, that the Senate has passed Engrossed House Bill No. 323, a bill to amend section 1 of an act entitled "An act to amend the 4th and 6th sections of the act for the incorporation of manufacturing and mining companies."

Also, that the Senate has passed Engrossed Senate Bill No. 334, a bill to amend sections 1, 2, 5, 6 and 7, of an act entitled "An act to regulate and license the sale of spirituous, vinous, and malt liquors," and the same are herewith transmitted to the House.

WEBSTER DIXON,  
Secretary of the Senate.

That I respectfully requested of the Door-keeper of the House admission to the hall of the House of Representatives, to communicate said message to the House, but I was denied admission by said Door-keeper, who informed me that he was instructed by the House of Representatives and the Speaker thereof, to deny admission to the Secretary of the Senate bearing official messages from the Senate.

WEBSTER DIXON,  
Secretary of the Senate.

Ordered spread of record on the journal.

Senator Tharp moved that when the Senate adjourn it adjourn until 3 o'clock this afternoon.

The motion carried.

On motion of Senator Sellers the Senate adjourned.

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### AFTERNOON SESSION.

MARCH 7, 1887.

The Senate met pursuant to adjournment at 3 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

Senator Weir offered the following Resolution No. 128:

*Resolved*, That the contest now pending of the seats of sitting Senators Simon P. Thompson, Senator from Jasper County, and Archibald Kennedy, Senator from Rush County, be indefinitely postponed.

The resolution was referred to the Committee on Elections.

The following message from the Governor:

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, IND., March 7, 1887. }

*To the Honorable, the President of the Senate:*

By the direction of the Governor I have the honor to inform the Senate that he has received and approved Senate Enrolled Acts Nos. 5, 9, 11, 13, 45, 75, 102, 108, 111, 127, 191, 198, 208,



217, 293, and has caused the same to be filed in the office of the Secretary of State, and has also caused to be filed in the office of the Secretary of State Senate Enrolled Acts Nos. 18 and 152 without his approval.

PIERRE GRAY,  
Private Secretary.

Senator Schloss called up House Concurrent Resolution No. 12, which was read.

On motion the resolution was adopted.

Senator Bailey offered the following resolution :

WHEREAS, On the 24th day of February, 1887, a mob of rioters and lawbreakers, headed and aided by certain Republican State officers of Indiana, and other men prominent in the councils of the Republican party, did unlawfully attack the doors of the Senate Chamber of Indiana and attempt, by force, to break them down; and,

WHEREAS, They were only repelled in their cowardly assault by the courageous resistance of Frank Pritchett, Door-keeper, and his able corps of assistants; and,

WHEREAS, The spirit of mob violence was fully participated in by certain Republican Senators on this floor; and,

WHEREAS, Such Senators, forgetting their dignity and manhood, did join with the aforesaid rioters in a brutal and cowardly personal assault upon the veteran Union soldier and Senator, Col. I. B. McDonald, who was exercising every effort to quell the disturbance and avert serious trouble, in which effort he was joined by several of his Democratic colleagues; therefore, be it

*Resolved*, That this Senate desires to commend and approve the prudent and manly course of the said McDonald on said occasion, and to denounce and condemn the conduct of all persons participating in the disgraceful and riotous attack so wantonly made upon the Senate of Indiana, and against the peace and dignity of the State.

Adopted.

Senator Sellers, from the Committee on Judiciary, reported as follows :

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred Senate Resolution No. 41, having had the same under consideration, begs leave to submit the following report :

Your committee recommends that said resolution be indefinitely postponed.

The report was concurred in.

Senator Urmston offered the following Resolution No. 180 :

MR. PRESIDENT :

*Resolved by the Senate*, That the following communication, addressed to the Democratic members of the Fifty-fifth General Assembly be spread upon the Journal.

*To the Democratic Members of the  
General Assembly of Indiana :*

As citizens and voters of Fayette county, we desire hereby to convey to you our hearty indorsement of your course during the eventful session now closing in preserving the majority on joint ballot given you by the clear expression of the people last November, and in protecting the exercise of your prerogatives in the Senate, under the constitution and the laws, against the desperate and disagreeable assaults of the opposition. Your orderly and consistent conduct throughout has been in remarkable contrast with the record of the Republican revolutionists, who have been babies and bullies by turn, who have dodged the courts and appealed to mobs instead, and who have stopped all legislation and squandered the time and money of the people in a lawless effort to advance individual and partisan interest. We are willing and anxious to enter another political campaign upon the history you have made.

CHAS. H. MURRY AND OTHERS.

The resolution was adopted.

Senator Rahm offered the following resolution :

MR. PRESIDENT :

I move that the thanks of the Senate be and are hereby extended to Mr. Frank Pritchett, Doorkeeper of the Senate, for his efficient, courteous and trusty manner of conduct while such officer.

Resolution adopted.

Senator McDonald called up Senate Resolution No. 119, which was read, it being for the election of a Stenographer for the Senate.

The resolution was adopted, and thereupon

The following oath of office was then administered to the Senate Stenographer by the President of the Senate :

You do solemnly affirm that you will support the Constitution of the United States and the State of Indiana, and will faithfully discharge your duties as Stenographer of the Senate to the best of your knowledge and ability; and this you do under the pains and penalties of perjury.

[Signed,]

W. H. DRAPIER

Senator Weir moved that when the Senate adjourned it adjourn until 7 o'clock.

Senator Rahm moved to amend by making the time 7:30 o'clock.

Senator Sellers moved to amend the amendment, setting the hour at 6 o'clock.

The motion carried.

The question being on the motion to adopt the motion as amended to adjourn.

The motion carried.

Senator Tharp moved that the Senate adjourn.

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were :

Senators Barrett, Berry, Cox, Duncan of Brown, Griffith, Howard of Decatur, Howard of St. Joseph, Logsdon, Mullinix, Peterson, Schloss, Tharp, Trippet and Weir. Total, 14.

Those voting in the negative were :

Senators Andrew, Bailey, Bradaman, Day, Fowler, French, Hale, McClure, McDonald, Rahm, Sellers, Shively, Smith of Wells, Thompson of Marion, Urmston, Zimmerman, and Mr. President. • Total, 17.

So the motion was lost.

Senator French offered the following resolution (No. 131) :

MR. PRESIDENT:

WHEREAS, The Institutions for the Education of the Blind and for the Education of the Deaf and Dumb, situate at Indianapolis, Indiana, are two of the noblest charities of the State; and,

WHEREAS, The able and efficient management of said institutions is of national repute; therefore,

*Resolved*, That this Senate hereby expresses its full and unlimited confidence in the ability and integrity of the present Board of Management of said institutions.

Resolution adopted.

Senator Sellers offered the following resolution (132).

*Resolved*, That a committee of three Senators be appointed to wait upon the Governor and ascertain whether he has any further communications for this body.

Adopted.

Senators Sellers, Tharp and Fowler were appointed as said committee.

Senator Sellers moved that the motion that when the Senate adjourn it adjourn until 6 o'clock be reconsidered.

The motion carried.

Senator Sellers withdrew his amendment to Senator Weir's motion to adjourn.

The question recurring on the motion to adopt Senator Rahm's amendment to the motion, it being to meet at 7:30 this evening.

The motion was carried, and the amendment was adopted.

The question being on the adoption of the motion to adjourn as amended.

The motion carried.

On motion of Senator Bailey, the Senate adjourned.

## EVENING SESSION.

MARCH 7, 1887.

The Senate met pursuant to adjournment, at 7:30 o'clock, Hon. A. G. Smith, President of the Senate, in the chair.

A roll of the Senate was called, and 26 Senators answered to their names.

On motion of Senator Sellers, the further call of the roll was dispensed with.

Senator Bailey offered Senate Resolution No. 133, as follows:

*Resolved by the Senate of Indiana, That we heartily sympathize with Ireland and her friends throughout the world in her manful struggle for home rule; that the principles for which the Irish people are contending in this great contest are fully recognized everywhere as just and equitable.*

The resolution was adopted.

Senator Fowler moved to take up Senate Resolution No. 123 from the table.

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were :

Senators Fowler, Rahm, and Weir. Total, 8.

Those voting in the negative were :

Senators Andrew, Bailey, Barrett, Berry, Branaman, Bryant, Cox, Day, Duncan of Brown, French, Griffith, Hale, Howard of St. Joseph, McClure, McDonald, Mullinix, Schloss, Sellers, Shively, Smith of Wells, Tharp, Trippet, and Zimmerman. Total, 23.

So the motion was lost.

Senator Sellers moved to take up Senate Bill No. 325, and indefinitely postpone it.

The ayes and noes were demanded and taken, and resulted as follows:

Those voting in the affirmative were:

Senators Andrew, Bailey, Barrett, Branaman, Bryant, Cox, Duncan of Brown, Fowler, French, Griffith, McClure, McDonald, Mullinix, Schloss, Sellers, Shively, Smith of Wells, Trippet, Urmston, Mr. President. Total, 20.

Those voting in the negative were:

Senators Berry, Day, Hale, Howard of St. Joseph, Peterson, Rahm, Weir, and Zimmerman. Total, 8.

The motion carried and the bill was indefinitely postponed.

The following communications were presented by Mr. Linck of the House, and Senator Trippet, respectively.

Senator Trippet having stated to-day in the Senate that his remarks upon the Southern Prison, on a former occasion, he had no intention of reflecting on me personally, or of questioning my honor and honesty as a man. I most gladly and heartily retract any unkind words I may have said about him. His manliness in making this explanation convinces me that I was mistaken in my estimate of him. Upon reading what purported to be his remarks in the papers I became greatly vexed and said things I would not have said in cooler moments, and now I wish to retract everything I said that would question or reflect on his honor, courage, or truthfulness as a gentleman.

JOHN W. LINCK.

MR. PRESIDENT :

In my remarks in speaking on the Barrett Prison bill, I spoke of the republican directors, and of their aiding Howard to cover up his villainy. These remarks were not spoken of Mr. Linck of the House, any more than of any other republican director, and was not intended as a reflection upon him as an individual, but upon all the republican directors for commending Howard as an efficient and honest officer when he was dishonest.

JOHN W. LINCK,  
O. A. TRIPPET.

Senator Sellers moved that the statements signed by John W. Linck and O. A. Trippet be spread of record.

The motion carried.

Senator French offered Senate Resolution No. 134.

Senator Bailey offered an amendment to Senate Resolution No. 134.

Senator Griffith offered an amendment to the amendment to Senate Resolution No. 134.

On motion the resolution, with the amendments, was referred to Senator French, to embrace all in one resolution.

The following message was received from the Clerk of the House, to-wit :

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed Enrolled House Act No. 42, an act to fix the time of holding court in the Forty-first Judicial Circuit.

W. H. SMITH,  
Clerk.

MARCH 7, 1887.

The President announced that he had signed Enrolled House Act No. 42.

Senator Fowler, from the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

Your Joint Committee on Enrolled Bills would report that they have delivered to the Governor for his consideration and approval, House Enrolled Act No. 42, properly signed by Hon. Warren G. Sayre, Speaker of the House, and Hon. Alonzo G. Smith, President of the Senate, this 7th day of March, 1887.

Concurred in.

The President of the Senate laid before the Senate the following:

*Gentlemen of the Senate:*

I have drawn warrants on the Auditor of State for the regular session, as follows:

JAMES M. ANDREW—

January 17, Certificate No. 1, mileage.....	\$52 00
February 4, Certificate No. 380, per diem .....	75 00
March 5, Certificate No. 674, per diem .....	291 00
Total.....	<hr/> \$418 00

LEON O. BAILEY—

January 17, Certificate No. 108, per diem .....	\$72 00
January 22, Certificate No. 168, per diem .....	36 00
January 28, Certificate No. 295, per diem .....	30 00
February 1, Certificate No. 307, per diem.....	24 00
February 4, Certificate No. 377, per diem.....	30 00
February 12, Certificate No. 459, per diem .....	36 00
February 12, Certificate No. 461, per diem .....	6 00
February 23, Certificate No. 572, per diem.....	60 00
March 5, Certificate No. 680, per diem .....	72 00
Total .....	<hr/> \$366 00



**JAMES M. BARRETT—**

January 17, Certificate No. 2, mileage.....	\$53 20
January 28, Certificate No. 289, per diem.....	138 00
February 22, Certificate No. 563, per diem.....	150 00
March 7, Certificate No. 719, per diem .....	78 00
Total .....	<u>\$419 20</u>

**WILLIAM W. BERRY—**

January 17, Certificate No. 3, mileage.....	\$52 00
February 12, Certificate No. 464, per diem.....	234 00
March 5, Certificate No. 676, per diem .....	132 00
Total .....	<u>\$418 00</u>

**FRANK BRANAMAN—**

February 4, Certificate No. 375, mileage.....	\$28 80
January 29, Certificate No. 302, per diem .....	72 00
February 12, Certificate No. 465, per diem.....	90 00
March 2, Certificate No. 643, per diem.....	102 00
March 7, Certificate No. 743, per diem .....	30 00
Total .....	<u>\$322 80</u>

**D. W. C. BRYANT—**

January 17, Certificate No. 4, mileage.....	\$20 80
January 28, Certificate No. 291, per diem.....	138 00
February 18, Certificate No. 531, per diem.....	126 00
March 7, Certificate No. 720, per diem.....	102 00
Total .....	<u>\$386 80</u>

**L. M. CAMPBELL—**

January 17, Certificate No. 5, mileage.....	\$8 00
January 29, Certificate No. 304, per diem.....	150 00
February 22, Certificate No. 541, per diem .....	138 00
*March 7, Certificate No. 721, per diem .....	78 00
Total .....	<u>\$374 00</u>

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\*Refused to take Certificate No. 721.

**JAMES F. COX—**

January 17, Certificate No. 6, mileage.....	\$12 00
January 18, Certificate No. 125, per diem.....	78 00
January 27, Certificate No. 226, per diem.....	50 00
February 18, Certificate No. 535, per diem.....	136 00
February 22, Certificate No. 562, per diem.....	24 00
March 7, Certificate No. 722, per diem.....	78 00
Total .....	<u>\$378 00</u>

**W. J. DAVIS—**

January 17, Certificate No. 7, mileage.....	\$60 00
January 26, Certificate No. 225, per diem.....	100 00
February 8, Certificate No. 384, per diem.....	75 00
February 22, Certificate No. 553, per diem.....	113 00
*March 7, Certificate No. 723, per diem.....	78 00
Total .....	<u>\$426 00</u>

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\*Refused to take Certificate No. 723.

**JOHN S. DAY—**

January 17, Certificate No. 8, mileage .....	\$45 60
January 18, Certificate No. 124, per diem.....	78 00
January 31, Certificate No. 305, per diem .....	78 00
February 11, Certificate No. 446, per diem .....	66 00
February 22, Certificate No. 552, per diem .....	66 00
March 2, Certificate No. 644, per diem.....	48 00
March 7, Certificate No. 724, per diem.....	30 00
Total .....	<u>\$411 60</u>

**MARK L. DEMOTTE—**

January 17, Certificate No. 9, mileage.....	\$64 00
January 22, Certificate No. 170, per diem.....	108 00
January 31, Certificate No. 306, per diem.....	42 00
*March 7, Certificate No. 725, per diem.....	216 00
Total .....	<u>\$430 00</u>

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\*Refused to take Certificate No. 725.

**J. S. DRAKE—**

January 17, Certificate No. 10, mileage.....	\$76 00
February 4, Certificate No. 379, per diem.....	50 00
February 22, Certificate No. 542, per diem.....	238 00
*March 7, Certificate No. 726, per diem.....	78 00
Total.....	<u>\$442 00</u>

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\*Refused to take Certificate No. 726.

**JASPER M. DRESSER—**

January 17, Certificate No. 11, mileage.....	\$25 60
January 21, Certificate No. 161, per diem.....	96 00
February 12, Certificate No. 458, per diem.....	182 00
*March 7, Certificate No. 727, per diem.....	188 00
Total.....	<u>\$391 60</u>

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\*Refused to take Certificate No. 727.

**C. C. DUNCAN—**

January 17, Certificate No. 12, mileage.....	\$26 00
January 20, Certificate No. 152, per diem.....	50 00
February 3, Certificate No. 313, per diem.....	124 00
February 8, Certificate No. 385, per diem.....	30 00
February 18, Certificate No. 532, per diem. ....	60 00
*March 7, Certificate No. 728, per diem .....	102 00
Total .....	<u>\$392 00</u>

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\*Refused to take Certificate No. 728.

**W. C. DUNCAN—**

January 17, Certificate No. 13, mileage.....	\$24 40
January 18, Certificate No. 126, per diem.....	78 00
January 28, Certificate No. 294, per diem.....	60 00
February 4, Certificate No. 374, per diem.....	42 00
March 5, Certificate No. 718, per diem.....	26 00
March 7, Certificate No. 729, per diem.....	160 00
Total .....	<u>\$390 40</u>

**NICHOLAS ENSLEY—**

January 17, Certificate No. 14, mileage.....	\$60 00
February 14, Certificate No. 467, per diem.....	60 00
February 22, Certificate No. 544, per diem.....	75 00
*March 7, Certificate No. 730, per diem.....	231 00
Total .....	<u>\$426 00</u>

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\*Refused to take Certificate No. 730.

**INMAN H. FOWLER—**

January 17, Certificate No. 15, mileage.....	\$21 20
February 11, Certificate No. 447, per diem.....	100 00
February 22, Certificate No. 545, per diem.....	188 00
March 7, Certificate No. 731, per diem .....	78 00
Total .....	<u>\$387 20</u>

**J. W. FRENCH—**

January 17, Certificate No. 16, mileage.....	\$91 80
January 18, Certificate No. 139, per diem.....	78 00
January 25, Certificate No. 223, per diem.....	42 00
February 1, Certificate No. 308, per diem.....	42 00
February 12, Certificate No. 460, per diem.....	66 00
February 22, Certificate No. 543, per diem. ...	60 00
February 28, Certificate No. 639, per diem.....	36 00
March 5, Certificate No. 678, per diem.....	42 00
Total .....	<u>\$457 80</u>

**F. M. GRIFFITH—**

January 17, Certificate No. 17, mileage .....	\$42 40
January 24, Certificate No. 220, per diem.....	108 00
February 3, Certificate No. 318, per diem.....	60 00
February 16, Certificate No. 471, per diem.....	78 00
March 7, Certificate No. 732, per diem .....	114 00
Total .....	<u>\$408 40</u>

**S. W. HALE—**

January 17, Certificate No. 18, mileage.....	\$46 00
February 8, Certificate No. 316, per diem.....	174 00
March 5, Certificate No. 677, per diem .....	192 00
Total .....	<u>\$412 00</u>

**B. F. HARNESS—**

January 17, Certificate No. 19, mileage.....	\$22 00
January 28, Certificate No. 293, per diem.....	75 00
February 4, Certificate No. 378, per diem.....	50 00
February 18, Certificate No. 537, per diem.....	75 00
February 22, Certificate No. 549, per diem .....	88 00
*March 7, Certificate No. 733, per diem .....	78 00
Total .....	<u>\$388 00</u>

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\* Refused to take Certificate No. 733.

**F. M. HOWARD—**

January 17, Certificate No. 20, mileage.....	\$14 80
January 17, Certificate No. 48, per diem.....	60 00
January 21, Certificate No. 162, per diem.....	50 00
January 29, Certificate No. 301, per diem.....	40 00
February 3, Certificate No. 376, per diem.....	42 00
February 11, Certificate No. 453, per diem.....	30 00
February 17, Certificate No. 475, per diem.....	36 00
March 1, Certificate No. 641, per diem.....	72 00
March 7, Certificate No. 734, per diem .....	36 00
Total .....	<u>\$380 80</u>

**T. E. HOWARD—**

January 17, Certificate No 21, mileage .....	\$64 00
March 7, Certificate No. 735, per diem.....	366 00
Total .....	<u>\$430 00</u>

**J. N. HUSTON—**

January 17, Certificate No. 22, mileage.....	\$22 80
February 22, Certificate No. 550, per diem.....	288 00
*March 7, Certificate No. 736, per diem.....	78 00
<b>Total .....</b>	<b>\$388 80</b>

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\* Refused to take Certificate No. 736.

**HENRY M. JOHNSON—**

January 17, Certificate No. 23, mileage.....	\$32 00
January 21, Certificate No. 165, per diem.....	108 00
January 29, Certificate No. 303, per diem.....	42 00
February 4, Certificate No. 381, per diem.....	42 00
February 12, Certificate No. 463, per diem.....	42 00
February 18, Certificate No. 538, per diem.....	42 00
February 25, Certificate No. 632, per diem.....	30 00
February 26, Certificate No. 635, per diem.....	12 00
*March 7, Certificate No. 737, per diem.....	48 00
<b>Total .....</b>	<b>\$398 00</b>

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\* Refused to take Certificate No. 737.

**A. M. KENNEDY—**

January 17, Certificate No. 24, mileage.....	\$17 20
January 21, Certificate No. 166, per diem.....	108 00
February 18, Certificate No. 540, per diem.....	168 00
*March 7, Certificate No. 738, per diem.....	90 00
<b>Total .....</b>	<b>\$383 20</b>

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\* Refused to take Certificate No. 738.

**H. M. LOGSDON—**

January 17, Certificate No. 25, mileage.....	\$99 60
January 18, Certificate No. 122, per diem.....	78 00
February 2, Certificate No. 310, per diem.....	90 00
February 14, Certificate No. 469, per diem.....	72 00
February 22, Certificate No. 565, per diem.....	48 00
March 5, Certificate No. 714, per diem.....	78 00
<b>Total .....</b>	<b>\$465 60</b>

**J. W. MACY—**

January 17, Certificate No. 26, mileage.....	\$30 00
*March 7, Certificate No. 739, per diem.....	366 00
Total .....	<u>\$396 00</u>

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\* Refused to take Certificate No. 739.

**ANDREW MARSHALL—**

January 17, Certificate No. 27, mileage.....	\$34 40
January 28, Certificate No. 299, per diem .....	25 00
February 18, Certificate No. 536, per diem.....	50 00
February 22, Certificate No. 551, per diem.....	213 00
*March 7, Certificate No. 740, per diem.....	78 00
Total .....	<u>\$400 40</u>

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\* Refused to take Certificate No. 740.

**DAVID McCLURE—**

January 17, Certificate No. 28, mileage... ..	\$44 00
March 7, Certificate No. 741, per diem .....	366 00
Total .....	<u>\$410 00</u>

**I. B. McDONALD—**

January 17, Certificate No. 29, mileage.....	\$50 00
February 24, Certificate No. 573, per diem.....	360 00
March 7, Certificate No. 742, per diem .....	66 00
Total .....	<u>\$416 00</u>

**W. N. McDONALD—**

January 17, Certificate No. 30, mileage.....	\$23 20
January 17, Certificate No. 107, per diem... ..	72 00
Total .....	<u>\$95 20</u>

**GEORGE MOON—**

January 17, Certificate No. 31, mileage .....	\$48 00
January 18, Certificate No. 123, per diem .....	78 00
January 28, Certificate No. 297, per diem .....	60 00
February 14, Certificate No. 468, per diem .....	102 00
*March 7, Certificate No. 744, per diem .....	126 00
<b>Total .....</b>	<b>\$414 00</b>

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\* Refused to take Certificate No. 744.

**L. P. MULLINIX—**

January 17, Certificate No. 32, mileage .....	\$28 40
January 20, Certificate No. 151, per diem .....	90 00
February 3, Certificate No. 317, per diem .....	84 00
February 18, Certificate No. 531, per diem .....	90 00
March 7, Certificate No. 745, per diem .....	102 00
<b>Total .....</b>	<b>\$394 40</b>

**SILAS PETERSON—**

January 17, Certificate No. 33, mileage .....	\$23 20
February 12, Certificate No. 454, per diem .....	228 00
February 26, Certificate No. 633, per diem .....	90 00
March 5, Certificate No. 715, per diem .....	48 00
<b>Total .....</b>	<b>\$389 20</b>

**WILLIAM RAHM, JR.—**

January 17, Certificate No. 31, mileage .....	\$72 80
March 7, Certificate No. 746, per diem .....	366 00
<b>Total .....</b>	<b>\$438 80</b>

**PHILIP SCHLOSS—**

January 17, Certificate No. 35, mileage .....	\$28 80
March 7, Certificate No. 747, per diem .....	366 00
<b>Total .....</b>	<b>\$394 80</b>



**A. R. SHROYER—**

January 17, Certificate No. 36, mileage.....	\$30 80
January 20, Certificate No. 154, per diem.....	50 00
January 28, Certificate No. 292, per diem.....	50 00
February 8, Certificate No. 386, per diem.....	50 00
February 22, Certificate No. 547, per diem.....	100 00
*March 7, Certificate No. 748, per diem.....	116 00
<b>Total .....</b>	<b>\$396 80</b>

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\*Refused to take Certificate No. 748.

**ROBERT B. SEARS—**

January 17, Certificate No. 37, mileage.....	\$42 00
January 21, Certificate No. 160, per diem.....	96 00
January 28, Certificate No. 298, per diem.....	20 00
February 3, Certificate No. 311, per diem.....	58 00
February 22, Certificate No. 561, per diem.....	114 00
*March 7, Certificate No. 749, per diem.....	78 00
<b>Total .....</b>	<b>\$408 00</b>

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\*Refused to take Certificate No. 749.

**E. B. SELLERS—**

January 17, Certificate No. 38, mileage.....	\$35 60
January 17, Certificate No. 98, per diem.....	72 00
January 25, Certificate No. 224, per diem.....	48 00
February 12, Certificate No. 462, per diem.....	114 00
February 26, Certificate No. 636, per diem.....	84 00
March 5, Certificate No. 716, per diem.....	48 00
<b>Total .....</b>	<b>\$401 60</b>

**JAMES S. SHIVELY—**

January 17, Certificate No. 39, mileage.....	\$30 00
February 10, Certificate No. 389, per diem .....	85 00
March 7, Certificate No. 750, per diem.....	281 00
<b>Total .....</b>	<b>\$396 00</b>

**A. G. SMITH, President—**

January 17, Certificate No. 40, mileage.....	\$28 00
January 27, Certificate No. 227, per diem.....	176 00
February 18, Certificate No. 539, per diem.....	192 00
March 3, Certificate No. 638, per diem.....	30 00
March 7, Certificate No. 751, per diem.....	90 00
<b>Total .....</b>	<b>\$516 00</b>

**J. H. C. SMITH—**

January 17, Certificate No. 41, mileage.....	\$36 00
January 18, Certificate No. 138, per diem.....	78 00
January 28, Certificate No. 285, per diem.....	60 00
February 12, Certificate No. 457, per diem.....	90 00
March 7, Certificate No. 752, per diem.....	188 00
<b>Total .....</b>	<b>\$402 00</b>

**S. P. THOMPSON—**

January 17, Certificate No. 42, mileage.....	\$45 60
January 28, Certificate No. 296, per diem.....	138 00
February 24, Certificate No. 574, per diem.....	162 00
*March 7, Certificate No. 753, per diem.....	66 00
<b>Total .....</b>	<b>\$411 60</b>

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\*Refused to take Certificate No. 753.

**W. C. THOMPSON—**

March 7, Certificate No. 754, per diem.....	\$366 00
<b>Total .....</b>	<b>\$366 00</b>

**C. K. THARP—**

January 17, Certificate No. 43, mileage.....	\$45 60
January 28, Certificate No. 286, additional mile- age.....	12 00
<b>Total mileage.....</b>	<b>\$57 60</b>

## C. K. THARP—Continued—

January 28, Certificate No. 287, per diem.....	\$48 00
February 15, Certificate No. 470, per diem.....	198 00
March 5, Certificate No. 713, per diem .....	1 00
March 7, Certificate No. 755, per diem .....	110 00
Total .....	<u>\$423 60</u>

## O. A. TRIPPET—

January 17, Certificate No. 44, mileage.....	\$80 00
January 17, Certificate No. 106, per diem.....	72 00
January 24, Certificate No. 222, per diem.....	25 00
February 8, Certificate No. 312, per diem.....	25 00
February 18, Certificate No. 533, per diem.....	75 00
February 22, Certificate No. 564, per diem.....	91 00
March 7, Certificate No. 756, per diem.....	78 00
Total .....	<u>\$446 00</u>

## S. E. URMSTON—

January 17, Certificate No. 45, mileage.....	\$32 80
January 28, Certificate No. 300, per diem.....	138 00
February 4, Certificate No. 382, per diem.....	54 00
February 22, Certificate No. 548, per diem.....	96 00
March 7, Certificate No. 757, per diem.....	78 00
Total .....	<u>\$398 80</u>

## MORGAN H. WEIR—

January 17, Certificate No. 46, mileage.....	\$61 60
January 28, Certificate No. 288, per diem.....	125 00
February 22, Certificate No. 546, per diem.....	163 00
March 5, Certificate No. 675, per diem .....	78 00
Total .....	<u>\$427 60</u>

## F. WINTER—

* March 7, Certificate No. 758, per diem.....	\$366 00
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\* Refused to take Certificate No. 758.

## V. ZIMMERMAN—

January 17, Certificate No. 47, mileage .....	\$42 00
January 28, Certificate No. 290, per diem .....	100 00
February 4, Certificate No. 388, per diem .....	50 00
February 22, Certificate No. 566, per diem.....	138 00
March 7, Certificate No. 759, per diem .....	78 00
Total .....	<u>\$408 00</u>
Per diem of officers.....	1,098 00
Per diem of employes.....	15,762 00
Allowed by resolutions for labor, supplies, witness fees and mileage, extra allowances to employes, etc., etc .....	2,900 50

The number of warrants, the specified amounts thereof and to whom payable, are set forth upon the accompanying ledgers, kept by the Assistant Secretary of the Senate, and filed herewith with the Secretary of State.

JOHN D. CARTER,  
Assistant Secretary State Senate.

Senate Fowler presented the following memorial and Senate Resolution No. 136:

*Resolved*, That the following memorial as an address to the people is adopted by the Senate as being true, and that the same be spread at length upon the journal of the Senate.

FOWLER.

### ADDRESS TO THE PEOPLE OF INDIANA.

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On the second day of November last a general election was held in Indiana, for the choice of certain officers of State and of members of the General Assembly. Within three days after the election was held, the result, as to the Legislature, became known, and the Indianapolis Journal published that the Republicans had seventy-four (74) members in the two houses, and the Democrats seventy-six (76) members therein, leaving the Democrats two majority upon a joint ballot. In this way it was

acknowledged by the leading Republican newspaper of the State that the will of the people, expressed under the form of law, had declared that some member of the Democratic party should be elected Senator of the United States to succeed the Republican then holding that position. This statement, with respect to the number of the two parties in the Legislature, and the Democratic majority of two, was published day after day in the Indianapolis Journal, and the fact of the majority of two, and the effect it would have upon the Senatorial election, were as well known to every voter in Indiana at that time as they are to-day.

Nevertheless, within a few weeks before the meeting of the General Assembly, the Journal, giving tone to the Republican press, and politicians of the State asserted with the utmost confidence that General Harrison was to be re-elected to the Senate of the United States, notwithstanding there was a majority of two against him in the Legislature; and Mr. Huston, a State Senator from the county of Fayette, Chairman of the Republican State Central Committee, repeatedly made the same declaration, and had interviews published in which he made the same statement. Nothing was said about how this result was to be accomplished. There were some intimations that Democratic members, one or two, might absent themselves or refuse to vote for the nominee of their caucus, or that the Independent Labor members actually preferred Harrison to anyone else for the Senate; but this, as it will appear in the sequel, was a mere blind to conceal the real purpose which the conspirators, to defeat the popular will, had already formed and prepared for execution. How they proposed to accomplish their design was unknown until soon after the meeting of the General Assembly.

The General Assembly met pursuant to law on the 6th day of January, 1887. The House of Representatives was Republican by ten majority. Cornelius Meagher, a Democrat, had been elected Representative from the county of Vigo, by an unquestioned majority of twenty-one votes. Such election had been regularly certified and returned, and he had taken his oath of office and been assigned to his seat in the House of Representatives.

On the 14th day of January, 1887, four days before the first vote in the Senatorial election, the House, by a strict party vote,

passed a resolution unseating Mr. Meagher, striking his name from the roll, and declaring that one Dickerson, his competitor, who had been defeated by the people of that county, was the Representative from the county of Vigo, and entitled to act and vote as such. This was done upon the flimsy pretext that Mr. Meagher had been elected, sometime before his election to the House, a Justice of the Peace, an office which had been abolished before his election to the Legislature, and none of the duties of which he had ever exercised.

As soon as Dickerson, the minority defeated candidate, was seated in place of Meagher, the plan began to develop, the plot thickened, the conspirators became bold and confident. It was announced, both publicly and privately, that General Harrison should certainly return to the Senate of the United States, and that the way to do it was to unseat enough Democrats in the House, by whatever methods, to destroy the Democratic majority of two on joint ballot, so as to give him at least seventy-six votes for United States Senator.

This shows very clearly that the Republican House of Representatives thus made a breach and struck a fatal blow at the freedom of election, deliberately setting aside the will of the people and lending themselves to the purposes of that dark, lawless clique and cabal which had conspired at all hazards, regardless of law and regardless of right, to return their friend and favorite to the Senate of the United States. It became now very apparent, although plain people had not before understood it, how these plotters might elect a United States Senator, although there was a Democratic majority of two in the General Assembly opposed to his return, and the mask being now thrown off, and concealment no longer possible, they stated publicly and privately that their intention was to unseat a sufficient number of Democrats in the House to enable them to succeed in the Senatorial election. At the same time, Mr. Kercheval, Republican Chairman of the Committee on Elections in the House, to whom the contests in that branch had been referred, publicly declared that he had nineteen cases of contests before the committee, and when inquiry was made of him what evidence there was in support of such contests he answered: "What is the use of hearing evidence when our minds are made up already as to the course we shall take in these cases."

The Senate was Democratic by eleven majority.

Some weeks before the meeting of the General Assembly, the election of William N. McDonald, a Senator declared to be elected from the counties of Jackson and Lawrence, had been regularly contested by his competitor, Frank Branaman, and testimony taken in support of the reasons filed, which reasons were bribery, notorious, open and corrupt use of money by McDonald at said election.

The crime of McDonald was one of peculiar infamy. The use by him of money for the purchase of votes was clearly shown—so clearly that he himself has never publicly, either with or without oath, made any denial thereof, although he was specially invited by the committee to go upon the witness stand and make such denial. Upon this state of facts and proof, the Senate of Indiana declared him unfit, incompetent for, and not entitled to a seat in that body, and his acts of bribery having been shown to have been publicly known and notoriously bruited among all his constituency, both before the time of his election and at the time thereof, the Senate declared his competitor, Frank Branaman, lawfully entitled to the seat, and Senator Branaman was sworn in and took his seat as a member of that body on the 17th day of January, 1887.

This action of the Senate in the McDonald case succeeded the action of the House in the Meagher case. The conspirators paused; they felt that they were taken by the throat; they came to the conclusion that it would not do any further to interfere with the members of the House of Representatives, as the people had chosen them.

The two parties by this action were left in the same condition as at the commencement of the session, with a Democratic majority of two on joint ballot.

When the Senate of Indiana met on the 6th day of January, 1887, it had been publicly known for many months that General Mahlon D. Manson, who had been elected Lieutenant Governor of the State in November, 1884, had, in July, 1886, accepted the appointment of the collectorship of the Seventh District under the Government of the United States, and so had become incompetent to fill the office of Lieutenant Governor. In the absence of the Lieutenant Governor and his inability to discharge the duties of presiding over the Senate, the Senate was

organized by the Hon. James H. Rice, Auditor of State, and by the Hon. Alonzo G. Smith, Senator from the counties of Jackson and Jennings, who, at the request of the Auditor of State, occupied the chair during the organization of the Senate, while that officer called the roll of new Senators, who were sworn into office by one of the Judges of the Supreme Court, whom the Auditor had also requested to attend for that purpose. The Senate then proceeded to the election of its officers, and chose Webster Dixon as Principal Secretary, John D. Carter as Assistant Secretary, and Frank Pritchett as Door-keeper, and also elected the Hon. Alonzo G. Smith, one of their number, President of the Senate in the absence of the Lieutenant Governor.

Both parties had, at the November election, 1886, voted for their candidates for the office of Lieutenant Governor, notwithstanding the fact that the Governor had not proclaimed a vacancy in said office, and had made no appointment to fill the same. Many citizens of the State believed that no vacancy existed, and that no Lieutenant Governor could be elected at that time, among whom was President Smith of the Senate, who was, however, at all times willing to submit the question of his rights as President of the Senate to the courts of the State, and had, in the first instance, before the meeting of the Legislature, instituted a suit against William R. Myers, Secretary of State, to enjoin him from delivering to the Speaker the returns of the election, which suit Mr. Smith prosecuted both in the Circuit and Supreme Courts, but was beaten therein in both courts upon the ground that they had no jurisdiction to determine the question or to grant the injunction prayed by him. Afterward, Mr. Smith instituted another suit in the Marion Circuit Court, the object of which was to test the question as to whether the person who claimed to be elected Lieutenant Governor at the November election, 1886, was duly elected as such, and could, therefore, preside over the Senate, or whether the Senate had the right to select its own President. Mr. Smith was then, under his election had on the 6th day of January, 1887, acting as President of the Senate, having been elected to said office by the Senate, and has ever since acted and is now acting as such.

Beside the principal suit instituted to try the question of the title of the office of President of the Senate, Mr. Smith had



applied in his case for an injunction to prevent the person claiming to be elected Lieutenant Governor in November, 1886, from disturbing or interfering with him in the present discharge of his duties as President of the Senate. To this application for an injunction the pretended Lieutenant Governor made but one defense, and that was that he lived in Allen County and could not be sued in Marion County.

The Hon. A. C. Ayres, Judge of the Marion Circuit Court, after full hearing and argument, decided against this defense; that there was no lawful election holden for Lieutenant Governor in November, 1886, and granted an injunction against the claimant of that office to prevent any disturbance by him of President Smith in the discharge of his duties as such. This injunction was issued and in force on the day before the two houses met in joint convention, and it became a question between the two houses as to how the joint convention should be held. The House claimed that the pretended Lieutenant Governor should preside over it; the Senate claimed that it should be presided over by the President of the Senate, the highest legislative officer actually present. Under these circumstances an agreement was made by way of compromise, substantially providing that the joint convention, when its session was held, should be called to order by the President of the Senate; that the President of the Senate should direct the call of the roll of the Senate in voting; that the Speaker of the House should direct the call of the members of the House in voting; that the proceedings of the joint convention otherwise should be conducted by the Speaker; that the result of the vote should be announced by the President of the Senate; that the joint convention should be adjourned by the Speaker; that this agreement should be in force until a United States Senator was elected; and the joint convention of the two houses was held each each day when in session, under the terms of this agreement, from the 19th day of January until the 2d day of February, on which day David Turpie was elected Senator of the United States; and the joint convention then adjourned *sine die*.

In the meantime the pretended Lieutenant Governor had appealed the case in which he had been beaten upon the application for an injunction before the Judge of the Marion Circuit Court, to the Supreme Court of Indiana, and the case was there

pending. That court, after full argument and advisement, decided that the suit was improperly brought in Marion County, and should have been brought in Allen County, where the claimant of the office of Lieutenant Governor resided. This decision was rendered on the 23d day of February, 1887. The judges also delivered separate opinions, two of the Supreme Court, Howk and Mitchell, deciding that no election for Lieutenant Governor could have been holden lawfully in November, 1886; three of the Judges holding that the court had no jurisdiction of the subject matter of the suit; one of the Judges, Niblack, deciding expressly that the Senate had the right, as between two adverse claimants, to determine for itself who should be its presiding officer. This opinion and these opinions were hurriedly certified to and distributed at large by the Clerk of the Supreme Court, who was a Republican, among members of the Legislature. The House of Representatives, on the direction of its Republican Speaker, Mr. Sayre, took up and made a special order of what he might have called: "This message from the Supreme Court." It was made the special order. And before any of the very lengthy and learned opinions could have been at all studied or considered, the Republican majority in the House passed, without debate, and under the previous question, the following resolution:

*Resolved by the House of Representatives, That until the House shall be officially informed that Robert S. Robertson is in the actual and peaceable discharge of the duties of his office as such presiding officer, the House of Representatives must regard the Senate as illegally and unconstitutionally organized, and no official communication can be had with them, in order to the due preservation of the just rights and responsibilities of this General Assembly.*

This resolution was passed notwithstanding the fact that there was nothing in either of the opinions to support the claims of the pretended Lieutenant-Governor. Three of the judges in fact—the Hon. Alexander C. Ayers, Circuit Court Judge, and Judges Howk and Mitchell, of the Supreme Court—had decided that he was utterly without right. No judge of any court, at any time, had given the least opinion in support of his title. Yet the House, over the protest of the Democratic members thereof, by this summary, inconsiderate and wholly unparliamentary action, cut itself off from communica-

tion with the Senate, obstructed legislation, and prevented the discharge of public business for the remainder of the session. The fact is, they deliberately established themselves and declared themselves to be an insurgent body, an insurrectionary mob, no longer having connection or intercourse with any coördinate branch of the government.

The next day after the passage of this resolution by the House, the pretended claimant of the office of Lieutenant-Governor, having taken means clandestinely to assemble a large number of thugs, bullies and bruisers for the occasion, under the auspices of the Republican conspirators, against the law, peace and dignity of this Commonwealth, entered the Senate Chamber and made an attempt to take the chair of the President and to address the Senate upon what he called "his claims." The mob outside, meanwhile, being engaged, urged and encouraged by Republican State officers and other leaders to force an entrance into the hall of the Senate to compel the President thereof to abandon his rightful authority and position. At the same time, Republican members of the Senate, with few exceptions, were employed in aiding and abetting Robertson in his attempt, by force, to seize the duties of the Chair, and in countenancing and encouraging the gang of ruffians on the outside in their attempt to break into the Senate Chamber. These attempts failed. The claimant was expelled from the Senate Chamber, the mob was repulsed, and the Senate, after great risk, danger and hazard, was restored to order and quiet, with President Smith in the chair.

The pretended Lieutenant Governor was not struck at all. The only person who received a blow in the melee was an old Union Soldier,—an old member of the Legislature—Senator McDonald, from Allen and Whitley, who, with great dignity, refused then and there to resent it and told the Republican Senator who had struck him, that that was not a proper place to settle difficulties between gentlemen. This scene of disgraceful violence offered to the members and officers of the Senate of Indiana, was the direct result, the outgrowth of that Republican conspiracy which had resolved that at all hazards, and in disregard of every law, to obtain control of the Legislative bodies. There was nothing in the opinion of the Supreme Court to justify it or cause this base-born insurrection against authority. That opinion had determined nothing against the

rights of Smith as President of the Senate, and had added not a jot or tittle to the value of the worthless pretensions of the person who claimed to be Lieutenant Governor.

The question rested, at the time this scandalous gang of miscreants attacked the Senate Chamber, just where it did at the very commencement of the session. One party claimed that there had been a lawful election in 1886; the other claimed that there was none. Republicans claimed that the spurious Lieutenant Governor had been inducted into office; the other claimed that his pretended induction was a fraud supported by an undeniable forgery to which the Speaker of the House had given the sanction of his name in stating that the Senate and House had met for the purpose of canvassing the votes for Lieutenant Governor, when, in fact and in truth, he knew, and every person else knew, who was present at the time, or at all attempted to ascertain what the facts were, that only nineteen Senators had attended that meeting, and that the Senate had refused and absolutely declined to attend any such meeting, the Senate having adjudged, as it had the right to do, that there had been no election of Lieutenant Governor, and that there were no votes to be counted. In this, the action of the Senate was supported by the unbroken precedence in Indiana, and by usage in all the other States which have such an officer as Lieutenant Governor; for in none of such States is there ever a vacancy in such office filled by popular election. Also, by the usage of the Federal government ever since its organization in the case of Vice-President, a vacancy which is never filled by popular election, but always by succession by the President of the Senate. As now, Senator Sherman, of Ohio, is succeeding Vice-President Hendricks.

When it became known to the Senate, and to the Democratic members of the House, that the majority of the House had, by its resolution of secession, expelled itself, as far as its own action could do it, from any further participation in legislation by its refusal to recognize the Senate as a co-ordinate branch of the government, every effort was made to have the factious majority in the House leave faction and attend to the public business of the State. The Senate went on in regular order, and passed the following bills:

Senate Bill No. 27, to protect political purity, and authorizing the holding of primary elections.

Senate Bill No. 29, an act to regulate mining of coal and manner of weighing same.

Senate Bill No. 58, an act prohibiting County Auditors from drawing warrants on County Treasurers in violation of law.

Senate Bill No. 172, an act to prohibit children under the age of fourteen years in mining coal or other minerals, manufacturing steel or iron.

Senate Bill No. 286, an act authorizing the contracting of a loan by the State to meet casual deficits in the revenue and to pay interest on the State debt, so as to provide funds to complete the various State buildings now in process of construction, and thus avoid the necessity of discharging the large number of employes engaged thereon.

Senate Bill No. 324, an act to provide for the government and discipline of the State Prison North and the State Prison South by one board of directors; and determining the officers and the directors of the State Prison South.

Senate Bill No. 337, an act making appropriations for the State government and its institutions for the fiscal years commencing November 1, 1886, and ending October 31, 1888.

Senate Bill No. 335, an act making annual appropriations for the State government and its institutions for the fiscal year beginning November 1, 1887, and ending October 31, 1888, and each year thereafter beginning on the 1st day of November and ending the 31st day of October of each year; directing the application of such appropriations, requiring accounts to be kept of the same, and other matters connected therewith.

Senate Bill No. 134, an act authorizing the issue of graduated drainage bonds by the Board of Commissioners, for the payment of assessments in drainage.

An act amending the mechanics' lien law.

An act to prevent the unjust garnishment of the wages of laboring men.

An act to appoint a Live Stock Sanitary Commission to prevent the spread of pleuro-pneumonia and other contagious and infectious diseases among the live stock of the State.

Senate Concurrent Resolution No. 2, a joint resolution proposing an amendment to section 2, of article 6, of a constitution providing that all county officers shall hold their term for four years and be ineligible for re-election in any term of eight years.

These bills and the joint resolution, together with many others needed by the people, required by the public welfare, were passed by the Senate and transmitted in due course, under the rules of the two houses, to the House of Representatives, which was duly notified of their having been passed; but the House of Representatives, in pursuance of their resolution of obstruction, and deliberately persisting in their determination to defeat and destroy all further legislative action, refused to receive such bills, or to take any notice of the Senate message declaring that they had passed, and the same were returned to the Senate and yet remain upon its files.

These bills were passed by the vote of the Democratic members of the Senate, and by the further record thereof, showing that Republican members of the Senate were present during the time the vote was taken upon the passage, and refused to vote; for the Republican members of the Senate, after the passage of the House resolution of obstruction to legislation, conceived themselves to be bound by the action of their co-conspirators in the House, and declined to vote on any of these measures. They occupied their seats after the 25th of February the same as they had done before. They maintained very strict quiet and order. They sat in silence like deaf mutes. Several of them, however, drew their pay by virtue of vouchers signed by President Smith, an officer whose authority they otherwise declined to recognize. In so doing, these Senators did recognize him in the most positive manner as President of the Senate; and as these vouchers were presented to Bruce Carr, the Republican Auditor of State, and warrants drawn by him upon them, he recognized Smith's authority; and as the Treasurer of State paid such warrants, he recognized Smith's authority. The Speaker of the House, after the 25th day of February, still continued the consideration of Senate Bills upon his files, certified to be passed by the signature of Smith as President of the Senate; and the Speaker of the House, together with the insurrectionary majority and revolutionary

mob, which had pretended to usurp the functions of legislation, if they recognized nothing else, they recognized Smith's authority as President of the Senate in considering the bills which had been transmitted to them verified by his signature. One of the measures passed by both Houses, coming into the hands of the Speaker after the 25th of February, was that appropriating a sum of money—\$200,000—for the erection of a Soldiers' Monument by the State of Indiana. To this bill Speaker Sayre attached his signature, and afterward procured the spurious pretender to the office of Lieutenant Governor to attach his signature thereto, and then transmitted the bill to the Governor for his action. The Governor, declining to recognize the signature of the pretended Lieutenant Governor, directed its erasure, and asked that the bill be signed by Smith as President of the Senate, which, being done, the Governor promptly approved the same and filed it in the office of the Secretary of State, and sent the following message to the House of Representatives therein:

EXECUTIVE DEPARTMENT, }  
INDIANAPOLIS, March 8, 1887. }

*The Honorable, the Speaker of the House of Representatives:*

Senate Bill No. 8, entitled: "An act to provide for the erection of a State Soldiers' and Sailors' Monument, or Memorial Hall combined, according to the discretion of the Trustees in this act provided for, and declaring an emergency," and signed "Warren G. Sayre, Speaker of the House of Representatives;" "R. S. Robertson, Lieutenant-Governor," was presented to me by the House of Representatives for my approval.

The bill does not conform to the requirements of Section 25, Article IV of the Constitution, which provides that "all bills and joint resolutions passed shall be signed by the presiding officers of the respective houses," and its presentation in that form is also in violation of the joint rules adopted by both houses of the present General Assembly, which reads as follows:

"RULE 2. After a bill or joint resolution shall have passed both houses it shall be duly enrolled on paper, and the Clerk of the house where it originated shall indorse upon the back thereof the house in which it originated, under which he shall place his signature.

**"RULE 4.** Every bill or joint resolution reported to have been duly enrolled shall be signed first by the Speaker of the House of Representatives, who shall send the same to the Senate, then by the President of the Senate, after which it shall be presented by the Joint Committee on Enrolled Bills to the Governor for his approbation and signature; and the said committee shall report to their respective houses the day of their presentation, which report shall be entered upon the journals of each house.

**"RULE 5.** All bills and joint resolutions shall be signed by the Speaker of the House of Representatives and the President of the Senate, in their houses respectively, when in session, which shall be carefully noted on the journals of each house."

The bill was not indorsed or signed by the Secretary of the Senate in which the bill originated, was never sent to the Senate, as required by the joint rules, for the signature of the presiding officer thereof, and was not signed by the presiding officer of the Senate as required by the Constitution, and did not purport to be signed by the presiding officer of the Senate.

The constitutional provision which provides that all bills and joint resolutions passed shall be signed by the presiding officers of the respective houses does not mean some person who is claiming to be legally entitled to preside, and who is not presiding, but in my judgment means the officer or person who is actually presiding and discharging the duties of the position.

There might be two members of the House each claiming to have been legally elected Speaker, and in that case the Executive would undoubtedly have to recognize the signature of the member who was actually presiding and whom the House recognized as its presiding officer.

It is not the province of the Executive to decide who is entitled to preside in either house. The Executive possesses no such power or authority. When the Executive is notified by each house of the General Assembly that it is duly organized, ready to receive communications and transact business, the Executive must recognize the organization so reported, and has no right to recognize another. The organization reported to me by a committee from each house on the 6th day of January, 1887, has remained unchanged up to the present time, and has been recognized by each house in the passage through each



house of eighteen bills, which were signed by the present presiding officers of each house, and approved by me, among which are the bills appropriating one hundred and twenty-five thousand dollars for paying the mileage and per diem of the members, and other expenses, of the present General Assembly; for the reorganization and maintenance of the Soldiers' and Sailors' Orphans' Home; for the payment of certain employes every two weeks, and authorizing certain cities to issue bonds.

The present organization of the Senate has been further recognized by the passage by the House during each day's session of the present week of a number of Senate bills and other measures. The members of each House have, from the organization of the General Assembly, drawn their mileage and per diem upon certificates signed by the present presiding officer of their respective Houses.

If I had approved the bill in the form in which it was presented to me by the House, there certainly would be no question as to its invalidity. No court could possibly hold that it was signed by the presiding officer of each House, when the entire record of the Senate shows that Alonzo G. Smith, and no one else, is the presiding officer of the Senate.

I can not sanction a proceeding which would inevitably prevent the bill from becoming a law, and believing that the soldiers and sailors of Indiana, and the people generally, desire the legal passage of the bill providing for the erection of a soldiers' and sailors' monument, I have caused the bill to be transmitted to the Senate, and it has been returned to me for approval, signed by the presiding officer and Secretary of the Senate.

I have approved the bill, and caused the same to be deposited in the office of the Secretary of State.

[Signed,]

ISAAC P. GRAY,  
Governor.

It being thus shown that three Judges of the courts, that the Governor, the Auditor of State, the Treasurer of State, Mr. Speaker Sayre, and every member of the House of Representatives had recognized Mr. Smith as President of the Senate, both before and after the 25th day of February, it remains for the Republican plotters in this conspiracy to give some reason

why they organized and led at the front, on the 24th day of February, an atrocious and utterly lawless attack upon the government of the State, an attempt by force to revolutionize the government and to prevent by violence, one of the branches of the law-making-power from proceeding in the peaceable, quiet, orderly discharge of its duties as such. And it would be well enough to recollect, also, that this attack upon the Senate was made in the interest of a claimant who had never, at any time, resorted to the courts to assert his rights or sanction his authority; one who had constantly refused and declined to submit the question of his claims to the judgment of the courts, and had taken refuge in the fact merely that he was a resident of Allen County, and that the courts of the Capitol of the State could not hold him to answer for his attempted acts of arbitrary usurpation. Notwithstanding all this, after the passage of the resolution of obstruction by the insurgent faction, which constituted the majority of the House, the Democrats of the House and Senate made every effort and left nothing undone to adjust in some peaceable manner, upon the merits, the question at issue between the parties. Mr. Jewett, of the House, introduced a resolution offering to disregard every other question in the case and to submit it alone upon the right of the claimant under the election in 1886, to discharge the duties of the office of President of the Senate.

“WHEREAS, At the general election held November 4, 1884, Mahlon D. Manson was elected Lieutenant Governor of this State, and afterwards qualified and discharged the duties of such office; and,

“WHEREAS, Prior to the last general election, November 2, 1886, said Mahlon D. Manson had ceased to be Lieutenant Governor of this State; and,

“WHEREAS, At the general election, November 2, 1886, the electors of Indiana voted for candidates for the office of Lieutenant Governor, and Robert S. Robertson, a citizen of this State, and eligible to said office, received the highest number of votes for said office, and has been declared elected thereto by the Speaker of the House of Representatives, and has taken the oath of office as Lieutenant Governor; and,

“WHEREAS, The Senate of Indiana denies the right of said Robertson to act as Lieutenant Governor, and to preside over

the Senate, which refusal arises out of a claim by the Senate that at the last general election no vacancy existed in the office of Lieutenant Governor which could be filled at such election; and,

“WHEREAS, The question as to whether there was or was not a vacancy in the office of Lieutenant Governor that could be filled at the last general election threatens to seriously endanger the welfare and credit of the State, and to hinder and prevent legislation at the present session of the General Assembly; therefore,

“*Be it resolved by the House of Representatives, the Senate concurring:* 1. That it is the sense of this General Assembly that such question as to the right of said Robert S. Robertson to such office should be determined at the earliest day possible by the Supreme Court.

“2. That in order to secure a decision thereon a case should at once be made up, which will fairly present such question, and the same be forwarded with all possible dispatch to a final decision.

“3. That such case should limit the decision of the Supreme Court to the single question as to whether there was, at the last general election, any vacancy in the office of Lieutenant Governor which could be filled at such election, and that all question as to the manner of canvassing the vote and declaring the result, should be waived or admitted in favor of said Robertson.”

This resolution was received with jeers and absolutely rejected by the insurrectionists who held seats in the House.

In the other branch, Senator Bailey, a Democrat, introduced a resolution offering to leave the question to the Supreme Court Judges as arbitrators, and to abide by their decision.

“WHEREAS, The Honorable Alexander C. Ayers, Judge of the Marion Circuit Court, has decided that no election could be lawfully holden for Lieutenant Governor of the State, in November, 1886; and,

“WHEREAS, Two of the Judges of the Supreme Court, the only members thereof delivering opinions upon the questions, have decided the same point the same way; and,

“WHEREAS, No joint convention of the two houses has ever been held at which the votes for Lieutenant Governor, even if lawful, could be counted, canvassed, or the result thereof declared; and,

“WHEREAS, No Joint Assembly of the two houses has ever been held which could take any cognizance of a contest of the election for Lieutenant Governor, even if there had been any election held; and,

“WHEREAS, No court or judge has, at any time, expressed the opinion that an election for Lieutenant Governor was lawfully holden in November, 1886, and the pretensions of any person to such office are therefore unfounded and unsupported by any judicial opinion whatever; and,

“WHEREAS, One of the Judges of the Supreme Court, the Honorable William E. Niblack, construing the Constitution of the State upon this subject, has said: “The controversy is one over which the courts have no jurisdiction, and over which no court can exercise the slightest control, and that the Senate has the unquestioned right to determine who is entitled to act as its presiding officer. Section 10, article 4, of the Constitution. Where there is a contest as to which of two persons is entitled to preside over the Senate, the question becomes one which the Senate must decide;” and,

“WHEREAS, Heretofore, on the 6th day of January, 1887, the Senate did elect as the President thereof the Honorable Alonzo G. Smith, now acting as President of the Senate in the absence of the Lieutenant Governor of the State, chosen at the general election, 1884; and,

“WHEREAS, No Lieutenant Governor could have been or has been elected since that time, or can be elected until 1888; and,

“WHEREAS, The majority of this Senate has been, and is now, willing to submit the question of the election for Lieutenant Governor held in November, 1886, directly or indirectly, to the Supreme Court, and allow them to decide it, and abide by their decision as arbitrators, if not as judges; and,

“WHEREAS, The President of this body has twice attempted, unsuccessfully, to have the same question determined, and no decision has been made against his rights as President of the Senate; therefore, be it

*“Resolved, That the majority of the Senate are willing to submit to the Supreme Court as arbitrators the question of the legality of the election held for Lieutenant Governor in 1886; and,*

*“Resolved further, That the Senate is, and has been, organized with the said Alonzo G. Smith as President, constitutionally, regularly and lawfully, and that we proceed in the speediest manner possible to enact legislation needed for the interests and welfare of the State, in order that we may be ready, having performed all our duties as legislators, for adjournment at the end of sixty-one days period of the regular session.”*

This resolution was introduced and adopted, but no notice of it was taken by those who ruled in the councils of the conspirators. At the same time, the Senate, by two separate resolutions, acquainted the House with its willingness and readiness to take up, consider and pass the necessary appropriation bills and other measures pending so much required and needed for the welfare of the people of this Commonwealth; but, by order of the Speaker of the House, the doors of that branch were shut in the faces of the Senate messengers, and the resolutions were returned unread, unnoticed to the branch of the Legislature in which they had originated. Mr. Speaker Sayre, as the instrument and organ of the cloud of conspirators in ambush behind him, has become most prominent in this disgraceful attempt to retard and obstruct the legitimate business of the session. To this end he has repeatedly violated every known principle of parliamentary law and usage, refusing a call of the House at its opening each day, as has been made since its first assemblage, although often moved for. He has refused a call of the ayes and noes when regularly asked for and seconded. He has refused to entertain appeals on matters of vital importance when respectfully asked and seconded, and when the House was regularly organized in open session. He has put questions to a vote while the members of the House were on the floor discussing them. He has refused to allow bills and other papers to be read in full, even when requested. He has given his consent to an enormous and unnecessary increase of employes of the House, and to extravagant allowances for their payment. Yet, Mr. Speaker Sayre and his employes, his petty parasites, down to the veriest spittoon-cleaner, are drawing their pay to-day under an appropriation bill attested by Mr.

Smith as President of the Senate. The Constitution of Indiana provides that no money shall be drawn from the Treasury except by appropriation made according to law. Which is worse in Mr. Speaker Sayres and his confederates, that they should rob the State Treasury by abstracting money therefrom contrary to law, or that he should decline to receive and sign Senate bills transmitted to him, attested in the same manner in the regular course of legislative business? To the ignominy of one of these two alternatives, alike shameful and dishonorable, his own acts commit him. But the most remarkable effect of Mr. Speaker Sayre's conduct has not been felt in the House, which he dishonors by his presence, still more by his presidency, but in the Senate, altogether outside of his tyrannical jurisdiction. When he announced the passage of the revolutionary resolution of obstruction by the House eighteen Republican members of the Senate were stricken speechless. This appalling misfortune has heretofore fallen upon certain offenders in miraculous token of the Divine displeasure, as upon John the Baptist's father for his unbelief. It is something new, very strange, that in our time it has been inflicted by a single stroke of the gavel in the hands of a mere mortal. The day is not far distant when the voice and power of the people of Indiana will cast these dumb demons forth. Their places will be filled by gentlemen clothed in their right minds, ready and willing to do their duty as members of the Senate.

None of these attempts at a peaceable and legal settlement of the issue between the two Houses has met the approval of Mr. Speaker Sayre or the claimant to the office of Lieutenant Governor. All of them have been thoroughly disregarded, and this thing shows and proves that these insurrectionists, their aiders and abettors, both in the Legislature and out of it, never desired any lawful or peaceable adjudication of their rights, but from the beginning had constantly intended, by force or fraud, to subvert the lawful authority of one of the Legislative Departments of the State Government. One of the most determined and earnest efforts to advance the business of the session was made by Senator Barrett, of Allen County, immediately after the passage of the resolution of obstruction by the House, who offered for adoption the following Senate Concurrent Resolution No. 13:

" WHEREAS, The session of this General Assembly is drawing to a close; and,

" WHEREAS, The State House Commissioners have ordered a suspension of work upon the new State House, thereby discharging a large force of employes, on account of the failure of the necessary appropriations to continue the work; and which failure will entail upon the State the expense of the State House Commissioners for two years longer than necessary to complete the work if such appropriations were made; and,

" WHEREAS, It is highly important that the needful legislation be had making provision for the erection and maintenance of the Soldiers' and Sailors' Orphans' Home; for the completion of the Hospitals for the Insane, and the State House; for the erection of the Asylum for the Feeble-Minded Children, so that they may be separated from the soldiers' orphans; for providing means to divert the current and extraordinary expenses of the State for the maintenance of the educational institutions; for the building of the Soldiers' Monument; and,

" WHEREAS, The prompt passage of these necessary measures will avoid the necessity of an extra session, thereby saving many thousands of dollars to the tax-payers of the State; therefore, be it

*"Resolved by the Senate, the House of Representatives concurring therein, That the measures above named shall receive immediate consideration in both the Senate and House of Representatives, and be promptly passed."*

In reference to another measure, one of the most important bills passed by the Senate, heretofore alluded to, Senator Tripet, on the 25th day of February, 1887, introduced the following Senate Resolution No. 88:

" WHEREAS, On the 24th day of February, 1887, the Senate passed Senate Bill No. 27, being an act to maintain political purity; and,

" WHEREAS, Webster Dixon, Secretary of the Senate, acting in his official capacity, did make out and convey the following message to the House of Representatives, to-wit: "I am directed to inform the House that the Senate has passed Engrossed Senate Bill No. 27, a bill for an act to maintain political purity, and the same is hereby transmitted to the House.—Webster Dixon, Secretary of the Senate;" and,

"WHEREAS, The Door-keeper of the House of Representatives refused said Dixon, as aforesaid, admittance to the said House, under the direction of the Speaker of said House, the said Secretary of the Senate was also informed that the House of Representatives would not have any further communication with the Senate; therefore, be it

*"Resolved, That the Senate learns with regret of the discourteous action of the House of Representatives, and it submits that said action of said House is unprecedented, unparliamentary and unconstitutional; that it is obstructing needful legislation; detrimental to the interests of the people, and revolutionary in its tendency."*

The same obstructive course was taken in reference to the bill of Mr. Foster, of Madison, a Democratic member of the House, having for its object the graded reduction of the fees and salaries of county officers, under the constitutional amendment adopted a few years ago for that purpose. This bill was introduced, adopted and considered in the House and passed. The Speaker and the Clerk, under the direction of the Speaker, wholly refused to transmit the same to the Senate for its consideration, and the measure so much needed by the people, in consequence, totally failed.

This Senate Concurrent Resolution No. 13, above referred to, was considered and passed in the Senate and transmitted with an accompanying message to the House on the 28th day of February, 1887; but the person in charge of the Senate message was refused admittance to the House, and was informed by the subordinate that he met at the door that he was acting under the instructions of the Speaker and the House in making such refusal. This was a wanton act of unauthorized power on the part of the House, wholly unparliamentary and unprecedented in the history of legislative procedure in Indiana or elsewhere. It was a ruthless violation not only of the rules of the two Houses, but of the laws of ordinary decency and propriety governing official intercourse between the two branches of the same legislative assembly. This act did not proceed upon the theory that the House of Representatives would dictate to the Senate its presiding officer, which would be a position sufficiently absurd and untenable; but this act proceeded upon the theory that the House of Representatives could judge rightly



of who should be the presiding officer of the Senate, and in what manner the messages of the Senate should be transmitted to the House, a proposition still more unreasonable. The Senate would have as much constitutional authority to dictate to the House who should be the Speaker thereof, and how its messages should be sent to the other branch as the House had in this instance to instruct the refusal of such messages.

In addition to this, on the 5th of March, 1887, just before final adjournment, Mr. Speaker Sayre, having himself signed them, sent to the Governor nineteen Senate bills enrolled, for the signature of the Governor, instead of transmitting them to the Senate, and having them there signed by the presiding officer of the Senate; but they were submitted to the Governor for signature, and even after he had transmitted such bills to the Governor and that officer had requested the engrossed bills for the purpose of comparing them with the enrolled bills, the Speaker refused to furnish the Governor with the engrossed bills for purposes of comparison. Said bills were thereupon sent by the Governor to the Senate, and as many of them as could be verified from recollection by the authors thereof, the engrossed copies thereof not being procurable, received the signature of President Smith and were transmitted to the Governor.

Other bills of great importance failed to become laws on account of being unable to verify them, not having any record evidence to do so. This proceeding on the part of the Speaker was wholly irregular and unparliamentary.

Another act of unparalleled arbitrary conduct of the Republican House was its adjournment at 10 o'clock A. M., on Saturday, the last day on which bills might have been passed, until 11 A. M., Monday. This was done for the purpose of preventing the Governor communicating with the House, and also to prevent the possible passage of the loan and appropriation bills. In the whole history of the State no such action has ever before taken place.

MR. PRESIDENT:

Your special committee, consisting of Senators French (Chairman), Bailey, Griffith, Branaman, Drake, Huston and Sears, appointed by resolution of the Senate, for the purpose

of investigating the condition and conduct of the Benevolent Institutions of the State, respectfully submit to the Senate the following report, to-wit:

That, by authority of said resolution, said committee employed William Garber as clerk and stenographer to take down for preservation the evidence taken before said committee.

That we employed William O. Foley as an expert book-keeper, with directions to make an examination of the books and papers pertaining to the Indiana Hospital for the Insane.

That before hearing testimony, your committee, in a body, every member of the committee being present, proceeded to the Hospital for the Insane and made a thorough inspection of both the male and female departments of said hospital, by going through all the wards of both of said departments of said hospital and examining the beds, bedding and clothing of the patients, and by talking with the patients themselves. That we visited the wash and laundry room, the boiler room, the store room, and the dining room of the patients, and from our personal inspection, we found extreme cleanliness in every department of the institution. We made a personal inspection of the meats, butter, fruits, vegetables, etc., on hand, and of the cooking, and of the bread and pastry in the bakery, and the committee was unanimous in its approval of all that came under its personal observation. We found the wards, halls, closets and bed rooms in a perfect state of cleanliness. There was not a bad odor to be detected anywhere. In every ward was found a large bath room and tub, well supplied with every facility for bathing the patients, all of whom presented a neat and tidy appearance. The laundry is supplied with a vast amount of modern machinery, and your committee viewed a large number of people, and many of them patients, busily engaged in the ironing, drying and other parts of this department in washing the clothing, bedding, etc., of the institution. The hospital wards are especially bright and cheerful, being surrounded by every comfort.

We visited the pump house and investigated the water supply and fire protection, which we found to be in every particular, adequate.

We then began the taking of testimony.

The prosecution, if such it may be called, was represented by W. D. Foulke, Oliver T. Morton and Lewis Howland, and they acted as attorneys in said investigation. The committee employed Henry N. Spaan to conduct the examination and to act as counsel for said Hospital. The investigation has been very thorough, there being neither limit placed upon the time, nor upon the number of witnesses that were examined.

We examined one hundred and twenty-five witnesses, including officers and attendants of the institution, the members of the Board of Trustees, the neighbors that live about the asylum, and contractors, and grocers, and business men generally, who furnish supplies for the institution; also, the members constituting the committee appointed by the Indiana Civil Service Reform Association, and numerous others.

We also subpoenaed W. D. Foulke to testify before the committee, but he left the city and excused himself by saying that all that he might testify to would be covered by Dr. Fletcher's testimony, and, in fact, he would be willing to rest the case on Dr. Fletcher's testimony. We ask a careful reading of the Doctor's evidence as it appears in the stenographic report of the investigation.

Full and free scope was given during the investigation, a much more liberal rule in asking questions having been allowed by us than is usually allowed in a court of justice.

First, we state in a general way that none of the charges made against said institution by the Indiana Civil Service Reform Association, except that the management is Democratic, have been sustained by the evidence. Full and free investigation was had upon every point, and the evidence was overwhelming that this institution is one of the best managed in this or any other country; that the patients are better cared for; that their health is better; that there are more recoveries; that the sanitary condition of the Hospital is better; that the food supply is better; that the medical attendants are efficient, and the general comfort of the patients is as well secured as in any institution of the kind in this country or in Europe, so far as disclosed by the witnesses who had personal knowledge of such other institutions; and on this point we call special attention to the testimony of Superintendent Fletcher.

The first charge made against the Institution by the Indiana Civil Service Reform Association is that it is run upon a partisan basis; that all the employes, including the medical staff, the Board of Trustees and other officers, are Democrats. That is true.

The second charge is that those who furnish supplies to said Institution are Democrats and politicians, and that they get their contracts for supplies by reason of that fact. This charge was disproved by the witnesses furnished by the prosecution. It was overwhelmingly shown by the witnesses for the defense that any man or firm who got the contract to furnish supplies to said Institution procured the same simply and solely by being the lowest and best bidders. Instead of the furnishers of supplies being Democrats and politicians, as charged, they were composed of the best business men of the city of Indianapolis and surrounding country, both Republicans and Democrats alike, and that three-fourths of whom were Republicans. Such firms as D. P. Erwin & Co., Murphy, Hibben & Co., Kiefer & Co., Holweg & Reese, The Brooks Oil Co., Arthur Jordan, John E. Sullivan, Daniel Stewart, Franklin Landers, William H. English, and men of this class, wholesale and retail merchants, some of them doing business of a million or a million and a half dollars per year, all men of high character and high standing, owners of real estate and large interests in and about the city; men of business integrity and personal honesty were the men who furnished the supplies to this Institution. In order to believe the charges that have been made, we would have to believe that these men are the men who furnished the bad supplies which it is charged were furnished to that Institution.

The third charge is favoritism in letting and awarding contracts. It was shown by overwhelming evidence that no contract was let at any time except upon public and open competition, and the testimony of the men and firms mentioned above as furnishers of supplies, was that they could only get contracts when they were the lowest and best bidders, and that sometimes they were compelled to bid so close, in order to secure contracts, that they furnished the same at merely nominal profits; and it was the almost universal opinion of those who furnished goods, that the Trustees who had in charge the matter of procuring such supplies, very carefully and closely looked

after the interests of said institution in making such purchases. On this point we call attention to the names of the firms and of the men furnishing these supplies, as disclosed in the printed evidence taken before this committee.

The charge is in reference to the incompetency of J. S. Hall, the Steward and Book-keeper of said Institution. Only two witnesses testified to his incompetency, and both of them admitted, on cross-examination, that they were not in a position to judge of this incompetency, but that it was just simply a general impression with them, and that the Trustees were more competent to judge than they were. It was shown by the Trustees themselves that they had complete confidence in Mr. Hall.

It was charged that on one occasion Mr. Hall had been guilty of mutilating one of the ledgers of the asylum by tearing a page therefrom. Regarding this charge the facts are, that Mr. Hall ordered his subordinate, Mr. Roth, to tear from the book of the store-house ledger a leaf, which was furnished to the Sentinel Company as a sample from which to print a book similar to the one from which the leaf was taken. This fact was also established by the employes of the Sentinel Company.

The next charge is the extravagance of the Board of Trustees. Upon this point there was some evidence that apples had been bought at a higher price than necessary—one car-load. This was the only evidence; and as already stated, it was proved, by the men who furnished the supplies, that they were compelled, sometimes, to furnish goods at the cost price, and even at a loss, in order to procure contracts from the institution. It was shown by the evidence that during the last year said institution has been run \$50,000 cheaper than any other year within its history; and that too, in the face of the fact that numerous improvements involving the expenditure of large sums of money have been carried on and executed at said institution.

The following comparative statement made from the records for fourteen years, as to the expenses of the two parties in control, will allow an impartial public to say whether the management is extravagant or not.

The following shows the per capita expense, including subsistence, salaries, wages, and house furnishings. It is taken from the records and is correct :

REPUBLICAN.

1872, per capita per annum.....	\$253 76
1873, per capita per annum .....	257 92
1874, per capita per annum .....	303 16
1875, per capita per annum .....	255 32
1876, per capita per annum .....	233 48
1877, per capita per annum .....	206 44
1878, per capita per annum .....	173 68
Total for seven years.....	<u>\$1,683 76</u>

EXPENSES UNDER DEMOCRATIC MANAGEMENT.

1879, expense per capita per annum.....	\$191 34
1880, expense per capita per annum. ....	184 64
1881, expense per capita per annum.....	184 97
1882, expense per capita per annum.....	194 00
1883, expense per capita per annum.....	194 00
1884, expense per capita per annum.....	177 02
1885, expense per capita per annum.....	173 43

Total for seven years..... \$1,299 37

Showing a difference of..... 384 39

For 1886, expense per capita per annum, \$160.02, the lowest ever known in the history of the Institution.

Under the Republican management for seven years the average cost of maintaining a patient was \$240.53, while under Democratic management it cost but \$185.62. The average number of patients during these fourteen years was about eight hundred. Taking that number as a basis the Republican party would expend in the fourteen years about \$2,680,000, while the Democratic party in the same time would expend but \$2,052,000, making a saving for the same length of time of over \$628,000.

The next charge is that bad food was furnished to the patients. The only evidence upon this point was that, in the opinion of some of the witnesses, bad rice, canned fruit,

prunes, etc., had been furnished occasionally, and that strong butter had been furnished at times; and also that upon one occasion butter with skippers in it got into wards 1, 2 and 3 of the Female Department, in 1886, but was discovered before the patients had eaten any of it, and was not used. There were several persons who testified that strong butter had been furnished the Institution, but more especially during the summer months. It was, however, generally given as the opinion of such persons, when asked upon the subject, that such occurrence, considering the amount of butter used by the Institution and the changeable character of such a commodity, was no more frequent than would occur in any well regulated hotel or family of the country.

It was shown by overwhelming evidence, including that of Dr. Fletcher himself, that the character of the food furnished to the patients is as good, if not better, than it is in any other institution of the kind in this country or in Europe. Dr. Fletcher said upon the witness stand, that in the European institutions he visited, with a view to learning their management, and from the reports that he read of other institutions of like kind, meat is furnished twice a week only, butter is a luxury, and the class of food furnished is by no means as good nor as abundant as that furnished in this institution. It was shown by employes who have been connected with this institution from five to fifteen, and in some instances, twenty years, that the food supply now is better, more abundant and various than it has ever been before in the history of the institution. That the meat is good in quality and abundant in quantity; that the bread is, as a rule, good, but, as in all hotels and families, there is an occasional sour batch, and once in awhile a bad barrel of flour. Vegetables of all kinds are abundantly furnished in their season, and also, luxuries, in the shape of water-melons, bananas, oranges, lemons, apples, oysters, strawberries, and all kinds of small fruits. For the sick a special diet is procured, and they have all the delicacies of the season furnished them. This special diet includes every variety of food, cooked in every way, as ordered by the physicians. Meats of all kinds, poultry, oysters, etc., are also included. In fact, it was stated by Dr. Fletcher upon his cross-examination, that the food supply for the patients is better than that of most American families, and he so repeatedly stated in his reports to the Governor.

The following is a quotation from Dr. Fletcher's report of October 31, 1886 :

"From a constant personal observation and daily inspection of six physicians, five supervisors, four dining-room stewards, one hundred and twenty-five attendants and five chief cooks, but one conclusion can be reached ; that is, that all the essential foods and many luxuries have been constantly furnished in sufficient abundance to maintain the population in good health, as is shown by the general increase in health of a large majority of patients ; and that in quality, the food was as good and well prepared as that found on most of the tables in America.

"Over fifty-eight thousand gallons of sweet milk, five hundred and sixty-one gallons of oysters, one thousand three hundred and ninety-nine pounds of poultry, four car-loads of watermelons, fifteen car-loads of apples, several thousands of oranges and bananas, and other fruits, were consumed during the year."

Dr. Fletcher also testified before your committee that no meat ever went upon the tables without a personal inspection by himself ; that before any hogs were slaughtered he always designated the particular hogs that were to be slaughtered ; that he personally examined their appearance after being killed, and their organs, and by this examination he is enabled to say with confidence that no diseased hogs were ever killed for use at said Institution ; that in case meats were purchased from dealers he also made a personal inspection of the same ; that never within his knowledge has bad meat been used at that Institution ; that meats from the hogs slaughtered at said Institution, and that purchased from dealers for use at said Hospital, was used on his own private table for his family and guests, without culling or selecting, and that the meats used by himself and family and other officers of said Institution was of the same kind and quality as that furnished the patients.

The next charge is that diseased hogs were killed and used for food there. The most that was shown upon this point, even if the evidence of the witnesses for the prosecution alone is looked to, was that some hogs died out of a drove of one hundred, and that they died from cholera. But none of the witnesses for the prosecution testified that any hogs had ever been killed out there and used for food that they knew had cholera, or were in any wise affected by it. The testimony for the de-



fense shows conclusively that no hogs ever died out there with the cholera. Dr. Fletcher's testimony is that he cut open and thoroughly examined the carcasses of the hogs that died of disease, and that, in his opinion, they died of pleuro-pneumonia. The butcher who killed all the hogs at that Institution, and who has been there for nineteen years, and who is a thoroughly competent and practical butcher, said that the hogs did not die of cholera, and that no hogs were ever killed there that were diseased in any way. Mr. Jamison, who shot the hogs, and who has been at that Institution for seven or eight years, says that none of the hogs had the cholera, and that he was present at Dr. Fletcher's investigation, and that Dr. Fletcher pronounced it pleuro-pneumonia.

The next charge is cruelty to the patients. One or two instances were shown by the prosecution of cruelty to patients. It was shown, however, that the guilty attendants were immediately discharged by Dr. Fletcher, and it was the testimony of Dr. Fletcher and other officers of the Institution that if attendants were merely suspected of being guilty of cruel treatment to patients they were discharged without further proof. Dr. Fletcher testified that the entire responsibility rested upon his shoulders; that if the patients were badly treated it was his fault, and he held himself responsible for it, and it was for this reason that he always took the liberty of discharging an attendant whom he merely suspected of cruelty.

It was also charged that several patients had escaped from this institution. This is true only in two instances, that of a woman by the name of Dallas, and a man by the name of Knorr. It is proper to state in this connection that the State ought to build about said institution a high, strong fence. This has not been done because of a want of money. Neither are there sufficient attendants, because of the lack of means, to properly guard the patients and prevent escapes. The Dallas woman disappeared in a very mysterious way. Every effort was made in her case, and also in the case of Captain Knorr, to recapture and to learn their whereabouts; but, notwithstanding the most strenuous efforts and the expenditure of large sums of money, the Hospital authorities were unsuccessful. In view of the large number of patients who are daily taken out for exercise on the grounds of said institution, it seems practically impossible to avoid an occasional escape, and especially

inasmuch as the institution is not protected by a proper fence. It is far more important, however, that the slight chance of an occasional escape should be incurred than that the large number of patients should be denied proper outdoor exercise.

It is the opinion of numerous witnesses who have known that institution intimately for years, running back as far as eighteen years, that the patients are better treated by the attendants, and that the attendants, as a class, are better than have ever before been in the Institution, and that Dr. Fletcher especially, has insisted upon the kindest treatment possible toward the patients.

The next charge is that Dr. Harrison, the President of the Board of Trustees, is a man of bad character. This attack upon Dr. Harrison is, in the opinion of this committee, one of the most infamous outrages ever perpetrated upon a public official. The facts in the case are as follows:

In 1877 or 1878 Dr. Harrison was the Superintendent of the Public Schools in Boone county, of this State. He had made many political and personal enemies because he was a man of indomitable energy, and fearless in the expression of his opinion. Most of these enemies were men in his own profession, and Republican politicians. While he was Superintendent of Public Schools, charges were filed against him before the Board of Commissioners, all of whom were Republicans, and after a long and tedious trial and investigation, running clear back to the boyhood of Dr. Harrison, and involving the examination of many witnesses, he was fully and unanimously acquitted of these charges by said board. The charges embraced such crimes as abortion, drunkenness, dishonesty, and, in the language of one of the witnesses, "everything except murder." It was also shown that for five years after his acquittal Dr. Harrison remained the County Superintendent of Schools, and in fact up to the date when he resigned said office to accept the position he now holds. It is also evident to your committee that the charges against Dr. Harrison are malicious. Some of the witnesses admitted that they were his personal enemies, and a careful reading of all the evidence adduced by the prosecution reveals the fact that the charges against his personal character are supported only by the evidence of either his personal or political enemies, and is much colored by their appar-

ent malice. It is also evident to your committee that the witnesses, called to impeach his character before this committee, are the same men who instituted the investigation before the Board of Commissioners of Boone county, and who employed private counsel out of their private means to prosecute him upon a charge, the trial of which, before a board, all of whom were Republicans, resulted in his triumphant vindication. The entire number of witnesses who testified to his bad character was thirteen, and some of these were shown to be common drunkards, and only two of them were men of property, standing and influence.

On the other hand, over forty citizens of Boone County, Republicans and Democrats alike, including the Mayor of Lebanon, who is a Republican, the Sheriff of the county, and, in fact, the leading officers of the county, the business men, bankers, merchants, ministers and farmers, all testified that Dr. Harrison is a man of sterling worth and of good character; that he is an active and energetic man; that he worked for the good of his town and county; that he was a man of strong opinions and is free in giving expression to his views on all subjects; that he has been faithful in the discharge of his duties as President of the Board of Trustees of the Benevolent Institutions, and has ably seconded the efforts of the Superintendent of the Hospital for the Insane in bringing that institution up to such a high degree of efficiency that it is equaled by but few similar institutions, and excelled by none.

It is the deliberate opinion of this committee that no man, under the fierce light of such an investigation as this has been, could have presented a better character than Dr. Harrison has done.

The next charge made against the institution is in the nature of a general charge. It has in it such items as mismanagement, incompetency of officials, corruption on the part of the management, and other charges. In regard to the mismanagement of the institution, the committee has this to say: That the institution is better managed now than it has ever been in its past history; that it is a better managed institution than any like institution that the witnesses who testified had personal knowledge of. So far as the incompetency of the officials is concerned, it was shown that the medical corps are men of

high standing and of character and proficiency in their profession; that the attendants are careful and competent; that the Trustees have done everything in their power, so far as the means placed at their disposal would allow, to further the interests of the institution. Upon the charge of corruption, the committee has this to say: That there was absolutely no proof on that point whatever. Not one witness testified to any one fact that would even lead to a suspicion that any of the officers of this institution were in any wise corrupt. It was sought to be shown that there were personal relations between Dr. Harrison and John E. Sullivan of a corrupt nature. There was no evidence upon this point even tending to establish the truth of such a charge. Mr. Sullivan was a furnisher of supplies for this institution. It was shown overwhelmingly that the contracts he secured for furnishing supplies were all obtained like other contracts, by being the lowest and best bidder; that no officers of that institution were under a money or personal obligation to him, and that there was no corruption in his dealings whatever with the officers of this institution. It was shown that in several instances Mr. Sullivan furnished butter to this institution that was bad, but it was promptly returned to him and replaced by a good article. In fact, we may say this of most all the contractors that furnished supplies to this institution: Very few of them furnished supplies but what had some part of their supplies returned to them, either because they were below the quality required, or because they were not the kind that were ordered. It was shown, however, that in every instance the proper quality and kind was furnished in the place of that returned.

The principal witness against Mr. Sullivan was a man by the name of Arthur Jordan. Mr. Jordan himself testified that during the last year he had had five butter contracts with that institution; that his butter was returned to him every one of the five times; his statement being that this was because of discrimination against him, but the testimony of other witnesses being overwhelmingly that it was because his butter was bad. It was also shown that Mr. Jordan was a witness very much prejudiced against Mr. Sullivan and the Store-keeper of the institution, and it is the opinion of this committee that Mr. Jordan's testimony was largely colored by his feeling in this matter.

It was charged that in 1882 Mr. Sullivan furnished to the Board preceding the present one, a quantity of butter for which the Board disallowed his claim because the butter was bad, and that the present Board in the face of that disallowance allowed the claim and paid it to him, the amount being \$476.25. Your committee is of the opinion that there is sufficient evidence to show that Mr. Sullivan did furnish the butter required, that the butter was used by the institution, and that the present Board were justified in paying Mr. Sullivan the above amount.

It was also charged that boilers had been furnished for this Institution that were of an inferior quality, and that were not sufficient for the use to which they were put. This charge was not sustained. It was shown that the boilers were patched within a year and a half after they were put up, but it is the opinion of this committee that said patching was necessary, not because of the inferior quality of the iron, but because the boiler had been improperly set by Henry Stacy, the former civil engineer, and that was the cause of the injury to the boilers. It was shown that the boilers now perform their work satisfactorily. The evidence against these boilers came from men who were either discharged employees, or men who had a personal grievance to vent against the contractors who made the boilers, or against the officials of the Institution. It may be proper to add here that nearly every witness who complained of the management of the Institution, had to admit that some personal grievance was at the bottom of the complaint, many of such witnesses being discharged employees; others having some personal grievance against those in authority over them. One or two were former patients at the Hospital whose competency to testify by reason of their present mental condition your committee doubts. Others were unsuccessful competitors for the patronage of the Institution; and at least one has been charged with almost every crime in the calendar, and more than once convicted; so that we deem it proper to say that their testimony must be received with that degree of caution that attaches to such witnesses.

The committee further report that since the present Board came into power, the following improvements have been made for the benefit of the patients in this institution: The old system of dining-rooms has been done away with, and general dining-rooms have been established, and this, in the opinion of

the officials of the institution, is a very great improvement, and results in a saving of at least fifteen per cent. of the amount of food necessary to supply said institution. All liquors and alcoholic drinks have been dispensed with; all instruments of restraint and punishment have been abandoned. When the weather permits, all patients, not incapacitated by sickness, are given outdoor exercise in charge of their attendants. Schools have been established, both in the Male and Female Department; also training schools for the attendants, and regular Sabbath-school services have been established. It is further shown that the patients are given every opportunity to write to their friends; they are given books and papers and periodicals to read; they have pastimes and games; they have music and dancing and gymnasium exercises. In fact, everything that can be done to divert them is done. Lawn games, such as croquet, foot ball and base ball in the summer time are encouraged. The members of the Civil Service Reform Association, Mr. Morton and Mr. Howland, were put upon the witness stand and examined by the counsel for the committee, and it was shown upon their examination that they signed their printed report, which was used as a campaign document by the Republican party in the last campaign, without having personal knowledge of the facts stated in that report. It was shown by several witnesses whose names are mentioned in that report, that they did not give the information which it is claimed that they gave in that report, notably Mr. Francis Burt, of the Brooks Oil Company. He denies in toto the charge which appears upon page 9 of that report. Mr. Roth denied in the face of Mr. Howland's assertion that he, Mr. Roth, had ever talked to Mr. Howland at all about the institution. It was shown that the members of that committee, William D. Foulke, Oliver T. Morton and Lewis Howland, had spent, in all in their investigation at that institution, not to exceed five hours; that not over two hours of that time was expended upon examination of the records; that the only records they examined was some correspondence and Superintendent's reports and ward reports. It is the deliberate opinion of this committee that this Civil Service Reform Association was not at all justified in making the report referred to. The report of William O. Foley, who was appointed as an expert book-keeper by this committee, with directions to make a full examination of all papers, books,

records, and contracts of said institution, is filed herewith as a part hereof. It appears from said report that the books and records of said institution have been neatly and correctly kept; that all the funds of said institution have been accounted for and properly managed; that the Board have been economical and prudent in their administration of affairs, and that the papers pertaining to the business of said institution are properly filed and preserved, and that the books, papers, contracts and records are kept in a workman-like and business-like manner; that the books and vouchers of said institution balance and agree with those kept by the Auditor of State.

Your committee reports that this institution is the noblest charity in this State; that the officers connected with it are gentlemen of good character, who have used every endeavor, so far as their means will allow, to make this institution efficient, and the pride of the State. Some improvements are necessary. These have not been made simply because the means placed at the command of the officers of the institution have been limited. We would suggest that there ought to be built a large laundry; that the institution ought to be securely fenced, and that a more commodious bakery ought to be built.

We do not believe the charge is true that because said institution has been run upon a partisan basis its efficiency has been lowered, and no suggestion has been made to this committee by witnesses who were capable of judging, and whose opinion was called for, of a system that would be better than the present one.

The objections made to the present system are simply that the institution is used for party advantage. This is true only in the sense that Democrats alone are employed there; but there is no evidence before this committee that the Democrats employed are inefficient, incapable or dishonest; and we do not think the mere fact that the employees are Democrats makes any difference in the management or efficiency of the institution. In fact, if the employees were Democrats and Republicans equally divided, there would be more danger of political differences and political discussion, leading to the inefficiency of the attendants, than there is now, when all are of one political faith.

The charge that the Trustees have procured appointments for political favorites, without regard to efficiency, is not true.

The charge that Senators and Representatives recommended appointments is true, but there is no evidence whatever that these appointees were not efficient. In fact, Dr. Fletcher testified that they averaged as well as his own, and that he was thankful for recommendations of this kind, because it was impossible, from his own personal knowledge, to make all the appointments necessary and provide suitable men.

In conclusion your committee finds—

*First.* That the material charges made by the Civil Service Reform Association of Indiana, against the management of the Indiana Hospital for the Insane, except as to the politics of its officers and employes, are false, and that their publication to the world was unjust to that institution, and manifestly a cowardly and brutal disregard for the public heart, which beats so warmly for her unfortunate wards.

*Second.* That while some of the persons conducting the alleged Civil Service Reform investigation may have been deluded into the belief that it was *pro bono publico*, yet, guided by the hands of adroit and designing politicians, they were made a “cat’s paw” for the Republican State Central Committee; and their report, made on the eve of the campaign of 1886, was not founded on truth, but was made for partisan and corrupt purposes.

*Third.* That the inmates are supplied with good and wholesome food in abundance.

*Fourth.* The present management is especially characterised with a humane and wise regard for the personal comforts of its patients. Cruelty or the appearance of cruelty is not tolerated.

*Fifth.* The patients, their clothing, beds and bedding, the wards, halls and dining rooms are models of purity and cleanliness. The sanitary condition, in general, is of a high order of excellence.

*Sixth.* The barbarous custom of subjecting the inmates to mechanical restraints and brutal punishments have been entirely abandoned.

*Seventh.* Day schools, Sunday-schools, theatrical performances, daily outdoor drills and exercises, lawn games, training schools, musical entertainments, and other means of employing



the minds of patients and placing them under pleasant influences, have all been established by the present management.

*Eighth.* The management has been prudent, honest and economical. The per capita cost of maintaining patients for the past year is less than ever before.

*Ninth.* The charge that cholera hogs have been killed and used for food is maliciously false, and wholly unsupported by the testimony of a single witness. There was some evidence that some few hogs, out of a drove of about a hundred, died, presumably, according to some witnesses, from cholera. There was little authentic testimony, however, even tending to support this proposition. The testimony of Superintendent Fletcher, Mr. Hunt, the butcher, Mr. Jamison, and others who cut open and examined the hogs which died, all deny that they were afflicted with cholera. The evidence conclusively shows that there never was a hog suffering from any disease slaughtered for use in the Institution. No one of all the witnesses examined pretended to claim to the contrary.

*Tenth.* It has been charged that maggotty butter was used in the Institution. This is a sensational and malicious lie. The evidence shows that in October, 1886, butter containing insects was sent to wards one, two and three of the female department; that so soon as this fact was discovered the butter was removed. The above case is the only instance where such butter has ever been placed upon the table of any of the wards, and this was clearly an oversight, corrected as promptly as discovered.

*Eleventh.* The water supply for domestic and fire purposes, by recent changes made by the present Board of Trustees, is now abundant and of a pure quality.

*Twelfth.* Concerning the charge of bad iron in the boilers, the evidence conclusively shows that the iron was charcoal-hammered No. 1, 55,000 tensile strength quality, and fully up to contract; that they are now in use and doing good service and capable of withstanding from three to five times the pressure required of them.

*Thirteenth.* That the books are perfectly kept, and the finances of the Institution are fully accounted for.

The Committee desires to say that throughout their arduous labor every opportunity for the closer scrutiny into the books, papers, contracts, methods and affairs of the Institution has been afforded them by the members of the Board of Trustees, Superintendent Fletcher, Dr. Thomas and other officers, all of whom seemed especially anxious that the investigation should be thorough, searching and final.

The Institution is, at all times, open to the public; and this Committee joins its officers in requesting that all persons having an interest in its honest, faithful and humane management visit the same, that they may see and know for themselves.

And to the end that the truth of this report may be verified, we invite the several boards of county commissioners of this State to appoint six reputable citizens of their several counties, equally divided in politics, to visit and examine into the management of said Institution, which persons so selected shall have the powers and privileges in making such investigation as may be necessary to a full, true and complete finding, and that they shall report the facts back to the commissioners appointing them.

JAMES W. FRENCH,  
Chairman.

The result of this interference by one body with the organization and offices of the other would be absolute anarchy and misrule. As deplorable as this condition is, it is one which has been forced upon the people of the State by the action of the Republican factionists in the General Assembly. They have undertaken unlawfully to seat their pretended Lieutenant Governor. We have resisted their attempt. We have offered, at all times, lawfully to adjudicate the question. If evil result from the insurrectionary course of these Republican conspirators we wash our hands of it. Our constituency shall judge between us. It will certainly be found, upon an examination of the conduct, acts and facts in the history of this legislative session, that the somewhat helpless and unfortunate condition in which public affairs of the commonwealth are left at our adjournment, is due and due only to the factious obstruction of necessary legislation by the Republican majority in the House of Representatives; and it will also be certainly discovered that

the principal motive for their official malfeasance and misfeasance, and disregard of constitutional duty, was the desire on their part to be revenged upon the majority in the General Assembly for their disappointment in failing to elect their candidate for Senator of the United States.

We have, by our action, carried into effect the will of the people, supported and defended the constitution of the State against the assaults of revolutionary violence, and in so doing the true and permanent interests of this commonwealth have been faithfully maintained and secured.

INMAN H. FOWLER,  
Senator from Clay and Owen.

OSCAR A. TRIPPET,  
Senator from Dubois and Perry.

J. M. BARRETT,  
Senator from Allen.

S. E. URMSTON,  
Senator from Ripley, Franklin and Union.

CHARLES L. JEWETT,  
Representative from Floyd.

CHARLES KELLISON,  
Representative from Marshall.

JOHN R. GORDON,  
Representative from Putnam.

W. H. SHAMBAUGH,  
Representative from Allen.

On motion of Senator Fowler the foregoing memorial and resolution was unanimously adopted.

Senator Sellers, from the special committee appointed to call upon the Governor, reported as follows:

MR. PRESIDENT:

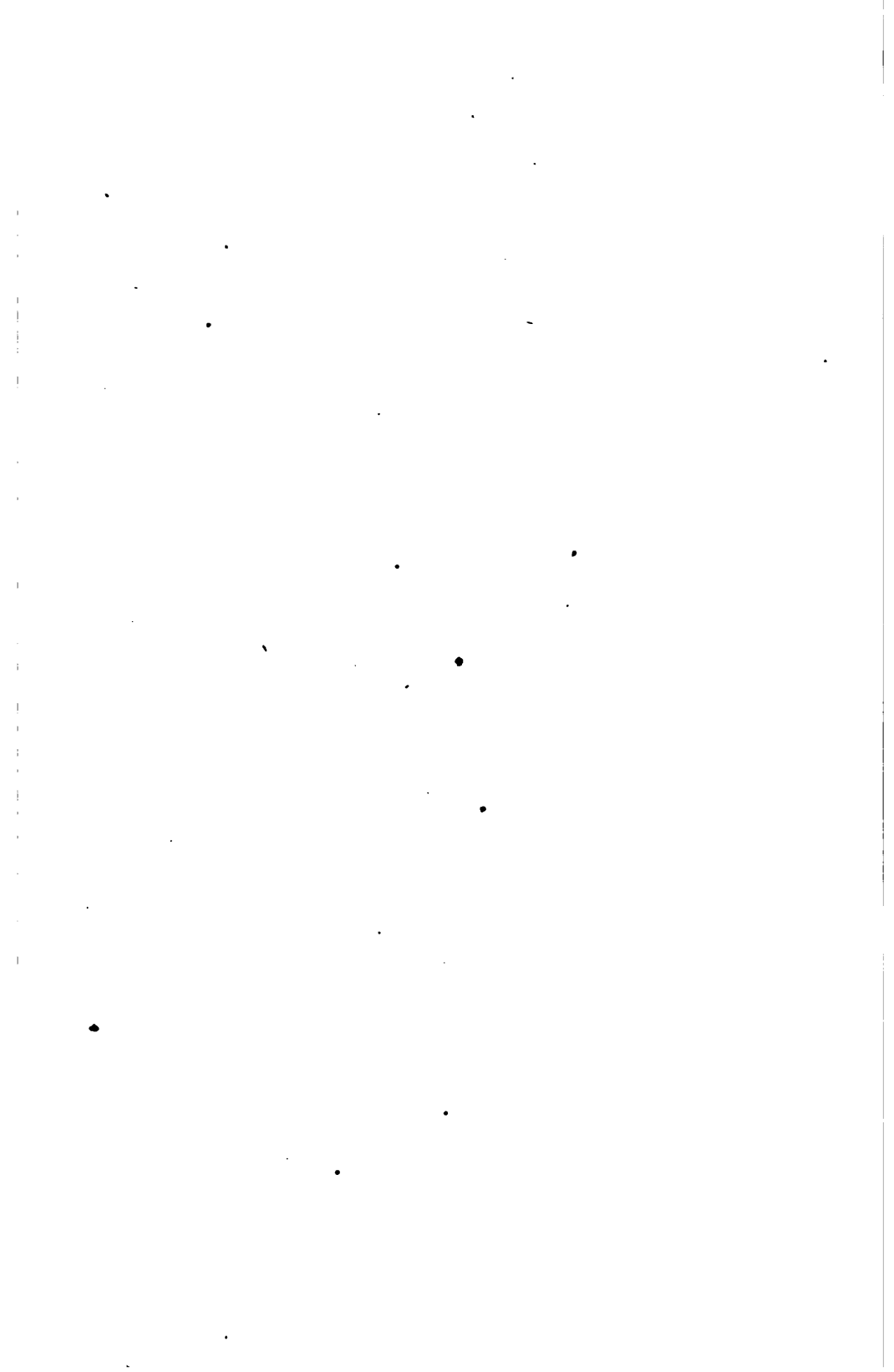
Your special committee appointed to call upon the Governor and ascertain whether he had any further communications to transmit to this body, has discharged that duty, and hereby

begs leave to report that it was informed by His Excellency that he had no further communications for the Senate. Your committee, therefore, recommends that the Senate does now adjourn, *sine die*.

The report was adopted.

And on motion of Senator Zimmerman, the Senate adjourned, *sine die*.

JOHN D. CARTER,  
Assistant Secretary State Senate.



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## Calendar of all Bills and Joint Resolutions Before the Senate

PREPARED BY

Number.	Date Introduced and First Reading.	SUBJECT MATTER.	Author.	To What Committee Referred.
1	Jan. 6 . . . Page 22.	An act to provide for the inspection of steam boilers and the appointment of a boiler inspector . . . . .	Bailey . . . .	Labor and Labor Statistics. Page 23 . . . .
2	Jan. 6 . . . Page 23.	An act requiring joint stock companies, corporations and copartnerships to pay their employes at least once each week, and fixing penalties for violations . . .	Barrett . . . .	Labor. Page 23 .
3	Jan. 6 . . . Page 23.	An act providing for the erection of a State soldiers' and sailors' monument from the proceeds of a sale of \$200,000 worth of State lands, to be made payable in twenty years . . . . .	Andrews . . .	Military Affairs. Page 23 . . . .
4	Jan. 6 . . . Page 23.	An act legalizing the meetings of Boards of County Commissioners in certain cases . . . . .	Griffith . . . .	County and Township Business. Page 23 .
5	Jan. 6 . . . Page 23.	An act for the relief of certain parties .	Howard, of St. Joseph . .	Claims. Page 23
6	Jan. 6 . . . Page 23.	An act amending the act establishing the Soldiers' and Sailors' Orphans' Home .	McDonald, of Whitley . .	Benevolent Institutions. Page 23 . . .
7	Jan. 6 . . . Page 24.	An act repealing sections 216 and 217 of an act concerning public offenses . . .	Rahn . . . . .	Labor. Page 24
8	Jan. 6 . . . Page 24.	An act amending the mechanics' lien act .	Smith, of Wells . . .	Labor. Page 24
9	Jan. 6 . . . Page 24.	An act authorizing the Hendricks Monument Association to erect in the city of Indianapolis on any land owned by the State a monument to the memory of Hon. Thomas A. Hendricks . . . .	Thompson, of Marion . .	Public Buildings. Page 24 . . .
10	Jan. 6 . . . Page 24.	An act dividing the State into three districts and establishing an Appellate Court for each . . . . .	Trippett . . . .	Organization of Courts. Page 24
11	Jan. 6 . . . Page 24.	An act amending the act naming public offenses . . . . .	Zimmerman . .	Agriculture. Page 24 . . .
12	Jan. 6 . . . Page 24.	Compulsory education bill . . . . .	Thompson, of Marion . .	Education. Page 25 . . . .
13	Jan. 6 . . . Page 00.	An act amending the act regulating the practice of dentistry . . . . .	Schlösser . . . .	.....
14	Jan. 6 . . . Page 25.	An act fixing the fees of the Reporter of the Supreme Court . . . . .	Dresser . . . .	Fees and Salaries. Page 25

## During the Regular Session of the Fifty-fifth General Assembly.

WEBSTER DIXON.

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Amended. Page 260.	Page 365.	Page 450.	Page 457.	Pages 339, 342, 366, 370, 396, 451, 456, 476, 496, 496 . .	In House.
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Page 261.	. . . . .	. . . . .	. . . . .	Pages 345, 349, 414, 544, 554, 556 . . . . .	Indefinitely postponed.
Page 260.	Page 542.	Page 580.	Page 581.	Page 542 . . . . .	In House.
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## CALENDAR OF ALL BILLS AND

Number.	Date Introduced and First Read- ing.	SUBJECT MATTER.	Author.	To What Com- mittee referred.
15	Jan. 6 . . Page 26.	A bill requiring druggists to take out liquor licenses . . . . .	Thompson, of Jasper . .	Temperance. Page 26 . . . .
16	Jan. 6 . . Page 27.	An act authorising married women to make contracts and holding them re- sponsible for all debts contracted . .	Dresser . .	Judiciary. Page 27 . . . . .
17	Jan. 7 . . Page 68.	A bill for an act to establish and main- tain the Indiana Soldiers' and Sailors' Orphans' Home . . . . .	McDonald, of Whitley . .	Military Affairs. Page 68 . . . .
18	Jan. 7 . . Page 68.	A bill for an act to pay Baker, Smith & Co. the balance due them for a steam heating affair . . . . .	Thompson, of Marion . .	Claims. Page 68
19	Jan. 7 . . Page 68.	A bill for an act to amend section 3230 of the Revised Statutes . . . . .	Moon . . . .	Judiciary. Page 68 . . . . .
20	Jan. 7 . . Page 68.	An act to amend sections 56 and 64 of the Justice act . . . . .	Cox . . . . .	Judiciary. Page 68 . . . . .
21	Jan. 7 . . Page 68.	An act to legalize the incorporation of the town of Middlebury . . . . .	Davis . . . .	Special Commit- tee. Page 68 .
22	Jan. 7 . . Page 68.	An act supplemental to the street, alley and highway act . . . . .	Drake . . . .	Cities and Towns. Page 68 . . . .
23	Jan. 7 . . Page 69.	An act to amend section 8 of the plank and gravel road act of February 28, 1885 . . . . .	Dresser . . . .	Roads. Page 69.
24	Jan. 7 . . Page 69.	An act concerning the powers of Com- mon Councils and cities . . . . .	Griffith . . . .	Cities and Towns. Page 69 . . . .
25	Jan. 7 . . Page 69.	An act to amend section 24 of the de- scent and apportionment of estates act	Harness . . . .	Judiciary. Page 69 . . . . .
26	Jan. 7 . . Page 69.	A bill concerning death penalty . . . .	Johnson . . . .	Judiciary. Page 69 . . . . .
27	Jan. 7 . . Page 70.	A bill to authorize the holding of pri- mary elections by political parties, forbidding the purchase or sale of votes thereat, etc. . . . .	Macy . . . . .	Election. Page 70 . . . . .
28	Jan. 7 . . Page 70.	A bill to amend sections 5198, 5199, and 2001 of the Revised Statutes . . . . .	Mullinix . . . .	County and Township Bus- iness. Page 70
29	Jan. 7 . . Page 71.	A bill concerning the mining of coal . .	Sears . . . . .	Mines and Min- ing. Page 71
30	Jan. 7 . . Page 71.	A bill to appropriate \$25,000 for the re- lief of sufferers by high water of the Wabash river . . . . .	Sellers, for Schloss . .	Swamp Lands. Page 71 . . . .
31	Jan. 7 . . Page 71.	A bill to amend the act concerning Clerks of Circuit Courts . . . . .	Smith of Wells . . . .	County and Township Bus- iness. Page 71

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.....	.....	.....	.....	.....	In committee.
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.....	.....	.....	.....	.....	In committee.
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Amended. Page 320.	Page 477	Page 479	Page 479	Pages 472, 477, 497, 552, 569, 570, 581	Law.
Amended. Page 320.	.....	.....	.....	Page 542	In committee.
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.....	.....	.....	.....	.....	In committee.
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Page 447	Page 629	Page 691	Page 692	Pages 529, 557, 563, 767	In House.
Page 396	.....	.....	.....	.....	Standing on report of committee.
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Page 823	.....	.....	.....	.....	Standing on report of committee.
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## CALENDAR OF ALL BILLS AND

Number.	Date Introduced and First Reading.	SUBJECT MATTER.	Author.	To What Committee Referred.
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33	Jan. 7 . . . Page 72.	A bill making it a misdemeanor for any firm to issue any checks, etc. . . . .	Tharp . . . . .	Labor and Labor Statistics. Page 72 . . . . .
34	Jan. 7 . . . Page 72.	A bill to amend section 198 of an act concerning public officers of April 14, 1881 . . . . .	Zimmerman . . . . .	Agriculture. Page 72 . . . . .
35	Jan. 12 . . . Page 98.	An act to amend section 1493 of R. S., the Justices' act . . . . .	Howard of St. Joseph . .	Judiciary. Page 98 . . . . .
36	Jan. 12 . . . Page 99.	An act to authorize cities and towns to cancel indebtedness . . . . .	Barrett . . . . .	Cities and Towns. Page 99 . . . . .
37	Jan. 12 . . . Page 99.	An act to amend section 3925 of R. S., concerning railroad companies—the running of trains through cities . . . . .	Davis . . . . .	Cities and Towns. Page 99 . . . . .
38	Jan. 12 . . . Page 99.	An act to provide for the incorporation of orphan asylums and for indigent females . . . . .	Dresser . . . . .	Judiciary. Page 99 . . . . .
39	Jan. 12 . . . Page 99.	An act to amend section 5394 of R. S., in relation to county auditors . . . . .	Fowler . . . . .	Judiciary. Page 99 . . . . .
40	Jan. 12 . . . Page 99.	An act to provide for the control and management of the Indiana State Library . . . . .	Hale . . . . .	Public Library. Page 99 . . . . .
41	Jan. 12 . . . Page 99.	An act to amend section 2484 of R. S. . . . .	Harness . . . . .	Judiciary. Page 99 . . . . .
42	Jan. 12 . . . Page 100.	An act to amend sections 2108 and 2109 of R. S., concerning public offenses; also, to prohibit the killing of rabbits by ferrets . . . . .	Huston . . . . .	Federal Relations. Page 100
43	Jan. 12 . . . Page 100.	An act to amend section 5206 of R. S., concerning pay of laboring men . . . . .	Bailey . . . . .	Labor and Labor Statistics. Page 100 . . . . .
44	Jan. 12 . . . Page 100.	An act to enable joint suit to be maintained on separate bond . . . . .	Macy . . . . .	Judiciary. Page 100 . . . . .
45	Jan. 12 . . . Page 100.	An act to legalize the incorporation of the town of Pierceton, Kosciusko county . . . . .	Moon . . . . .	Cities and Towns. Page 100 . . . . .
46	Jan. 12 . . . Page 101.	An act to amend sections 5104 and 5106 of R. S., concerning turnpike roads . . . . .	Peterson . . . . .	Roads. Page 101
47	Jan. 12 . . . Page 101.	An act providing for the completion of the three additional hospitals for the insane . . . . .	Rahm . . . . .	Public Buildings. Page 101 . . . . .
48	Jan. 12 . . . Page 101.	An act prescribing the duties of coroners . . . . .	Schloss . . . . .	Judiciary. Page 101 . . . . .
49	Jan. 12 . . . Page 101.	An act to amend sections 5950 and 5959 R. S., in relation to surveying mines . . . . .	Sears . . . . .	Mines and Mining. Page 101

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Page 224 . . . . .	Page 630 . . . . .			Pages 113, 630 . . . . .	Indefinitely postponed.
Page 329 . . . . .	Page 630 . . . . .	Page 696 . . . . .		Pages 630, 639 . . . . .	Failed to pass.
Page 321 . . . . .	Page 605 . . . . .	Page 819 . . . . .	Page 819 . . . . .	Pages 605, 832 . . . . .	At door of House.
Page 321 . . . . .				Page 138 . . . . .	Standing on report of committee.
Page 252 . . . . .				Pages 336, 810 . . . . .	Standing on report of committee.
Page 500 . . . . .	Page 633 . . . . .			Page 633 . . . . .	On 3d reading.
Amended. Page 321 . . . . .	Page 487 . . . . .	Page 487 . . . . .	Page 488 . . . . .	Page 487 . . . . .	In House.
Page 255 . . . . .				Pages 255, 256 . . . . .	In committee.
					In committee.
Amended. Page 513 . . . . .	Page 612 . . . . .			Pages 328, 612 . . . . .	On 3d reading.
					In committee.
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Page 438 . . . . .					Standing on report of committee.
Page 677 . . . . .	Page 698 . . . . .	Page 780 . . . . .	Page 780 . . . . .	Pages 698, 781, 786, 817 . . . . .	At door of House.
Amended. Page 843 . . . . .					Standing on report of committee.
Page 518 . . . . .	Page 630 . . . . .			Page 630 . . . . .	In committee.

## CALENDAR OF ALL BILLS AND

Number.	Date Introduced and First Reading.	SUBJECT MATTER.	Author.	To What Committee Referred.
50	Jan. 12 . . . Page 101.	A bill to amend section 2093 of R. S. of 1881, concerning public offenses . . . . .	Smith of Wells . . . .	Temperance. Page 101 . . . .
51	Jan. 12 . . . Page 102.	A bill to amend the act prescribing duties of telegraph companies . . . . .	Thompson of Jasper . . . .	Judiciary. Page 102 . . . . .
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53	Jan. 12 . . . Page 102.	An act to legalize certain records of the Board of Commissioners of Ripley County . . . . .	Urmston, by request . . . .	County and Township Business. Page 102
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152	Jan. 22 . . Page 249.	An act to pay Levi R. Green . . . . .	Sear . . . . .	Claims. Page 249.
153	Jan. 22 . . Page 250.	An act to amend section 167 of an act concerning public offenses . . . . .	Sellers . . . . .	Federal Relations. Page 250 . . . . .
154	Jan. 22 . . Page 250.	An act to amend sections 1, 3, 4, 5, 6, 9, 10 and 11 of an act concerning drainage .	Thompson of Jasper . . . . .	Swamp Lands. Page 250 .
155	Jan. 22 . . Page 251.	An act to amend section 8 of an act to provide for a general system of common schools . . . . .	Tharp . . . . .	Education. Page 251 . . . . .
156	Jan. 22 . . Page 251.	An act concerning promissory notes . .	Barrett . . . . .	Judiciary. Page 251 . . . . .
157	Jan. 22 . . Page 256.	A bill for an act providing for exemption of homesteads and other property from execution . . . . .	Bailey . . . . .	Labor. Page 256.
158	Jan. 22 . . Page 271.	An act to provide pay of Justices of the Peace, Constables and Deputy Constables, declaring an emergency . . . .	Bailey . . . . .	Judiciary. Page 271 . . . . .
159	Jan. 24 . . Page 272.	An act to amend an act concerning official notice of time when statutes of this State are in force, being section 239, R. S. 1881 . . . . .	Barrett . . . . .	Judiciary. Page 272 . . . . .
160	Jan. 24 . . Page 272.	An act to amend section 5849, R. S. 1881 .	Howard of St. Joseph . . . . .	County and Township Business. Page 272 . . . . .
161	Jan. 24 . . Page 272.	An act to amend section 1445, R. S. 1881, concerning attachments by Justices of the Peace . . . . .	Mullinix . . . . .	Judiciary. Page 272 . . . . .
162	Jan. 24 . . Page 272.	An act defining qualifications of electors . . . . .	Thompson of Marion . . . . .	Cities and Towns. Page 272 . . . . .
163	Jan. 24 . . Page 272.	An act concerning the seating of railway cars with stoves . . . . .	Urmston . . . . .	Railroads. Page 272 . . . . .

## JOINT RESOLUTIONS—Continued.

Reported Back.	Second Reading.	Third Reading.	Vote on Passage.	Other Action.	Condition of Bill at Close of Session.
Amended Page 322.					Standing on report of committee.
Page 504.					Standing on report of committee.
Page 504.					Standing on report of committee.
Page 514.	Page 611.	Page 638.	Page 639.	Pages 611, 933, 936, 941, 943, 961, 964 . . . . .	Law.
Page 319.	Page 804.			Pages 477, 520, 804 . . . . .	On 3d reading.
Page 317.					Standing on report of committee.
Page 318.					Standing on report of committee.
Page 502.	Page 788.			Page 788 . . . . .	On 3d reading.
Amended Page 447.	Page 778.			Page 778 . . . . .	On 3d reading.
Amended Page 610.	Page 782.			Page 782 . . . . .	On 3d reading.
Page 504.					Standing on report of committee.
Amended Page 395.	Page 779.			Page 779 . . . . .	On 3d reading.
Page 549.					Standing on report of committee.
Maj. and Minority Report. Page 383.				Pages 544, 577, 578, 809 . . . . .	Standing on report of committee.
				Page 520 . . . . .	In committee.

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Number.	Date Introduced and First Reading.	SUBJECT MATTER.	Author.	To What Committee Referred.
164	Jan. 24 . . . Page 273.	An act to amend sections 2117, 2118 and 2120, R. S. 1881 . . . . .	Weir, by request . . . . .	Agriculture. Page 273 . . . . .
165	Jan. 24 . . . Page 273.	An act to amend an act concerning public offenses . . . . .	Bailey . . . . .	Judiciary. Page 273 . . . . .
166	Jan. 24 . . . Page 273.	Concerning the deaf and dumb . . . . .	Thompson of Marion . . . . .	Benevolent Institutions. Page 273 . . . . .
167	Jan. 24 . . . Page 273.	An act regulating the sale and purchase of promissory notes . . . . .	French . . . . .	Judiciary. Page 273 . . . . .
168	Jan. 26 . . . Page 333.	An act defining the Nineteenth and Twenty-second Judicial Circuits . . . . .	Bailey . . . . .	Organization of Courts. Page 333 . . . . .
169	Jan. 29 . . . Page 381.	An act concerning the incorporation of labor organizations . . . . .	Bailey . . . . .	Labor. Page 381
170	Jan. 29 . . . Page 381.	An act regulating hours of labor . . . . .	Bailey . . . . .	Labor. Page 381
171	Jan. 29 . . . Page 381.	A bill concerning imprisonment of convicts and their employment . . . . .	Bailey . . . . .	Labor. Page 381
172	Jan. 29 . . . Page 381.	An act prohibiting the employment of children under 14 years of age . . . . .	Bailey . . . . .	Labor. Page 381
173	Jan. 29 . . . Page 381.	An act concerning the liability of corporations for injury and death of employees . . . . .	Bailey . . . . .	Labor. Page 381
174	Jan. 29 . . . Page 382.	An act to inflict corporal punishment for wife beating . . . . .	Bailey . . . . .	Labor. Page 382
175	Jan. 29 . . . Page 382.	An act regulating railroad passenger fare . . . . .	Bailey . . . . .	Railroads. Page 382 . . . . .
176	Jan. 29 . . . Page 382.	An act concerning the recording of wills . . . . .	Bailey . . . . .	Judiciary. Page 382 . . . . .
177	Jan. 29 . . . Page 382.	An act to amend an act to authorize cities and towns to issue bonds . . . . .	Hale . . . . .	Cities and Towns. Page 382 . . . . .
178	Jan. 29 . . . Page 383.	An act empowering Township Trustees to purchase and keep public cemeteries in repair . . . . .	Zimmerman . . . . .	County and Township Business. Page 383
179	Jan. 29 . . . Page 384.	An act to amend section 372, concerning proceedings in civil cases . . . . .	Davis . . . . .	Judiciary. Page 384 . . . . .
180	Jan. 29 . . . Page 384.	An act to amend sections 18 and 21, concerning partition of lands . . . . .	Johnson . . . . .	Judiciary. Page 384 . . . . .

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.....	.....	.....	.....	.....	In committee.
Amended Page 550.	.....	.....	.....	.....	Standing on report of committee.
Page 383 .	.....	.....	.....	.....	Standing on report of committee.
Page 549 .	.....	.....	.....	.....	Standing on report of committee.
Page 436 .	.....	.....	.....	.....	Standing on report of committee.
Page 447 .	Page 778 .	Page 811 .	Page 812 .	Pages 778, 832 . . . . .	At door of House.
.....	.....	.....	.....	.....	In committee.
Page 539 .	.....	.....	.....	.....	Standing on report of committee.
Page 446 .	Page 788 .	Page 865 .	Page 865 .	Pages 788, 871 . . . . .	At door of House.
Page 447 .	Page 802 .	.....	.....	Page 802 . . . . .	On 3d reading.
Page 446 .	Page 804 .	.....	.....	Page 804 . . . . .	On 3d reading.
.....	.....	.....	.....	.....	In committee.
Page 810 .	.....	.....	.....	.....	Standing on report of committee.
.....	.....	.....	.....	.....	In committee.
Page 475 .	.....	.....	.....	.....	Standing on report of committee.
Page 549 .	.....	.....	.....	.....	Standing on report of committee.
Page 487 .	.....	.....	.....	.....	Standing on report of committee.

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Number.	Date Introduced and First Read- ing.	SUBJECT MATTER.	Author.	To What Com- mittee Referred.
181	Jan. 29 . . Page 384.	An act to amend an act concerning high- ways . . . . .	Johnson . . .	Roads. Page 384
182	Jan. 29 . . Page 384.	An act concerning purchase of school furniture . . . . .	Duncan of Brown . . .	Education. Page 384 . . . . .
183	Jan. 29 . . Page 384.	An act to amend section 28 of an act, be- ing section 1208, R. S. 1881 . . . . .	Griffith . . .	Judiciary. Page 384 . . . . .
185	Jan. 29 . . Page 385.	An act requiring foreign insurance com- panies to pay judgments, etc. . . . .	Fowler . . .	Insurance. Page 385 . . . . .
186	Jan. 29 . . Page 386.	An act to amend section 4 of an act con- cerning highways . . . . .	Branaman . .	Roads. Page 386
187	Jan. 29 . . Page 386.	An act to amend an act defining the pow- ers and duties of Justices of the Peace . . . . .	Andrew . . .	Judiciary. Page 386 . . . . .
188	Jan. 29 . . Page 386.	An act to amend section 215 of an act concerning proceedings in criminal cases . . . . .	Macy . . . .	Judiciary. Page 386 . . . . .
189	Jan. 29 . . Page 386.	An act to amend an act concerning the incorporation of towns . . . . .	Macy . . . .	Cities and Towns. Page 386 . . . .
190	Jan. 29 . . Page 386.	An act to provide for the study of the nature of intoxicants . . . . .	Tharp . . . .	Education. Page 386 . . . . .
191	Jan. 29 . . Page 387.	An act appropriating \$2,498.72 to pay Wm. B. Burford . . . . .	Winter . . . .	Claims. Page 387
192	Jan. 29 . . Page 387.	A bill to amend sections 4318, 4319, 4320, R. S. 1881 . . . . .	Winter . . . .	Judiciary. Page 387 . . . . .
193	Jan. 29 . . Page 387.	A bill requiring railroad companies to lay certain kinds of ties and make walk ways along their track . . . . .	Day . . . . .	Benevolent In- stitutions. Page 387 . . . .
194	Jan. 29 . . Page 388.	An act to amend an act requiring County Auditors to publish statement of al- lowances, etc. . . . .	McDonald of Whitley . .	County and Township Busi- ness. Page 388
195	Jan. 31 . . Page 388.	An act to amend section 216 of an act con- cerning proceedings in criminal cases . . . . .	Johnson . . .	Judiciary. Page 388 . . . . .

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Page 438 . . . . .					Standing on report of committee.
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Page 549 . . . . .					Standing on report of committee.
Page 542 . . . . .	Page 796 . . . . .	Page 874 . . . . .		Pages 796, 862, 874, 875, 883 . . . . .	At door of House.
					In committee.
Page 549 . . . . .					Standing on report of committee.
Substitute. Page 547 . . . . .					Standing on report of committee.
Page 443 . . . . .					Standing on report of committee.
Amended. Page 586 . . . . .	Page 833 . . . . .			Page 833 . . . . .	On 3d reading.
Page 514 . . . . .	Page 616 . . . . .	Page 627 . . . . .	Page 627 . . . . .	Pages 616, 933, 936, 941, 961, 944, 963 . . . . .	Law.
Page 550 . . . . .					Standing on report of committee.
Page 438 . . . . .					Standing on report of committee.
Page 475 . . . . .	Page 806 . . . . .			Page 806 . . . . .	On 3d reading.
Page 437 . . . . .					Standing on report of committee.

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Number.	Date Introduced and First Reading.	SUBJECT MATTER.	Author.	To What Committee Referred.
196	Jan. 31 . . Page 391.	An act concerning the State Library . .	Davis . . . .	State Library. Page 391 . . . .
197	Jan. 31 . . Page 391.	An act to repeal an act concerning the rental of telephones . . . . .	J. W. French	Judiciary. Page 391 . . . . .
198	Jan. 31 . . Page 392.	An act to have set apart space in the State House for a statue of the late General Pleasant Adams Hackleman .	Kennedy . . . . .	
199	Jan. 31 . . Page 393.	An act regulating the sale of drugs and medicines . . . . .	Sears . . . .	Public Health. Page 393 . . . .
200	Jan. 31 . . Page 393.	An act providing for the removal of County Superintendents . . . . .	Sears . . . .	Judiciary. Page 393 . . . . .
201	Jan. 31 . . Page 394.	An act concerning public health . . . .	Thompson of Marion . .	Public Health. Page 394 . . . .
202	Jan. 31 . . Page 394.	An act for the protection of ballot boxes	Harness . . . .	Judiciary. Page 394 . . . . .
203	Jan. 31 . . Page 396.	An act to pay Andrew Steffen, assignee, etc. . . . .	Bailey . . . .	Claims. Page 396
204	Jan. 31 . . Page 399.	An act to make certain deduction of taxes on real estate, etc. . . . .	Fowler . . . .	Finance. Page 399 . . . . .
205	Jan. 31 . . Page 399.	An act concerning Foreign Real Estate Guarantee Company, doing business in this State . . . . .	Schloss . . . .	Insurance. Page 399 . . . . .
206	Jan. 31 . . Page 399.	A bill for the relief of Joel S. Davis . .	Duncan of Brown . .	Claims. Page 399
207	Jan. 31 . . Page 399.	A bill to amend an act concerning proceedings in civil case . . . . .	Cox . . . . .	Judiciary. Page 399 . . . . .
208	Feb. 1 . . . Page 413.	An act concerning organization of voluntary associations . . . . .	Sellers . . . . .	
209	Feb. 1 . . . Page 414.	An act concerning the vacation of certain offices on account of insanity . .	DeMotte . . . .	Judiciary. Page 414 . . . . .
210	Feb. 4 . . . Page 457.	An act to regulate legal advertisement .	Smith of Wells . .	Public Printing. Page 457 . . . .
211	Feb. 4 . . . Page 458.	An act to amend sections 1 and 3 of an act prescribing certain duties of telegraph and telephone companies . . .	Fowler . . . .	Judiciary. Page 458 . . . . .

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Page 806 .	.....	.....	.....	.....	Standing on report of committee.
.....	Page 392 .	Page 392 .	Page 392 .	Pages 933, 936, 941, 944, 961 963 .	Law.
.....	.....	.....	.....	.....	In committee.
Page 550 .	.....	.....	.....	.....	Standing on report committee.
Amended. Page 465 .	.....	.....	.....	.....	Standing on report committee.
Page 810 .	.....	.....	.....	.....	Standing on report committee.
Page 514 .	Page 612 .	Page 639 .	Page 639 .	Page 612 .	Law.
Page 830 .	.....	.....	.....	.....	Standing on report committee.
Page 436 .	Page 778 .	Page 824 .	.....	Pages 778, 824, 825 .	Failed to pass.
Page 514 .	Page 815 .	.....	.....	Page 815 .	On 3d reading.
Page 609 .	.....	.....	.....	.....	Standing on report committee.
.....	Page 413 .	Page 413 .	Page 413 .	Pages 604, 611, 619, 629, 648, 649, 670, 693, 933, 936, 941, 943, 963 .	Law.
Page 606 .	.....	.....	.....	.....	Standing on report committee.
Majority & minority report. Page 507 .	Page 616 .	.....	.....	Pages 617, 620 .	Indefinitely postponed.
Amended. Page 609 .	Page 788 .	Page 837 .	Page 838 .	Pages 788, 854 .	At door of House.



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212	Feb. 4 . . . Page 458.	An act to amend sections 1 and 2 of an act prescribing certain duties of telegraph and telephone companies . . .	Fowler . . .	Judiciary. Page 458 . . . . .
213	Feb. 4 . . . Page 458.	An act providing for collecting reports of birth, death, etc . . . . .	Rahm . . . .	Public Health. Page 458 . . . .
214	Feb. 4 . . . Page 458.	An act to amend an act concerning public offenses . . . . .	. . . . .	Judiciary. Page 458 . . . . .
215	Feb. 4 . . . Page 458.	An act requiring railroad companies to give notice at stations whether trains are on time or not . . . . .	Ensley . . .	Railroads. Page 458 . . . . .
216	Feb. 4 . . . Page 459.	An act concerning settlement and refunding of debts of cities and towns .	Trippett . . .	Finance. Page 459 . . . . .
217	Feb. 4 . . . Page 459.	An act to provide for the taxation of building and loan associations . . . .	Bryant . . .	Banks. Page 459.
218	Feb. 4 . . . Page 459.	An act concerning elections of Reporter of Supreme Court . . . . .	Weir . . . .	Judiciary. Page 459 . . . . .
219	Feb. 4 . . . Page 459.	An act to pay claim of John R. Rankin .	Winter . . .	Claims. Page 459.
220	Feb. 4 . . . Page 460.	An act to regulate the practice of medicine . . . . .	DeMotte . .	Public Health. Page 460 . . . .
221	Feb. 4 . . . Page 460.	An act authorizing Building and Loan and other Associations to borrow money . . . . .	Shroyer . . .	Corporations. Page 460 . . . .
222	Feb. 4 . . . Page 460.	An act to repeal section 3 of an act approved April 11, 1885 . . . . .	Harness . . .	County and Tp. Business Page 460 . . . . .
223	Feb. 4 . . . Page 460.	An act concerning appointment of special detectives, etc. . . . .	Bailey . . . .	Labor. Page 460.
224	Feb. 4 . . . Page 460.	An act concerning the appointment of deputy prosecutors . . . . .	Bailey . . . .	Judiciary. Page 460 . . . . .
225	Feb. 4 . . . Page 460.	An act to prevent swindling . . . . .	Thompson of Jasper . . . .	Judiciary. Page 460 . . . . .
226	Feb. 4 . . . Page 461.	An act concerning night schools . . . .	Barrett . . .	Education. Page 461 . . . . .
227	Feb. 4 . . . Page 461.	An act to amend an act concerning government of hospitals . . . . .	Urmston . .	Benevolent Institutions. Page 461 . . . . .
228	Feb. 4 . . . Page 461.	An act amending an act concerning township trustees . . . . .	Urmston . .	Benevolent Institutions. Page 461 . . . . .

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Page 516 . . . . .	Page 787 . . . . .	Page 856 . . . . .	Page 856 . . . . .	Pages 787, 788, 870 . . . . .	At door of House.
Page 609 . . . . .					Standing on re- port committee.
Amended. Page 672 . . . . .					Standing on re- port committee.
Page 584 . . . . .					Standing on re- port committee.
Page 515 . . . . .	Page 547 . . . . .	Page 645 . . . . .	Page 645 . . . . .	Pages 547, 645, 674, 933, 936, 941, 944, 964 . . . . .	Law.
					In committee.
Page 846 . . . . .					Standing on re- port committee.
Substitute. Page 517 . . . . .	Page 571 . . . . .	Page 572 . . . . .	Page 573 . . . . .	Pages 572, 573 . . . . .	In House.
Page 587 . . . . .					Standing on re- port committee.
Page 591 . . . . .					Standing on re- port committee.
Amended. Page 519 . . . . .	Page 543 . . . . .	Page 785 . . . . .	Page 785 . . . . .	Pages 543, 785, 816 . . . . .	At door of House.
Page 606 . . . . .					Standing on re- port committee.
Page 610 . . . . .					Standing on re- port committee.
Page 584 . . . . .					Standing on re- port committee.
Page 511 . . . . .	Page 650 . . . . .			Page 650 . . . . .	On 3d reading.
Page 680 . . . . .	Page 804 . . . . .			Page 804 . . . . .	On 3d reading.

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229	Feb. 4 . . . Page 461.	An act to amend an act concerning building and repairing of bridges . . .	Sears . . . .	County and Tp. Business. Page 461 . . . .
230	Feb. 4 . . . Page 461.	An act to provide for the construction of sewers . . . . .	Ensley . . . .	County and Tp. Business. Page 461 . . . .
231	Feb. 4 . . . Page 462.	An act concerning the administration of additional hospitals . . . . .	Griffith . . . .	Benevolent Institutions. Page 462 . . . .
232	Feb. 4 . . . Page 462.	An act to amend an act concerning insanity inquests . . . . .	Griffith . . . .	Benevolent Institutions. Page 462 . . . .
233	Feb. 4 . . . Page 462.	An act to pay claim of W. H. Drapier for Brevier Legislative Reports heretofore furnished . . . . .	Griffith . . . .	Finance. Page 462 . . . .
234	Feb. 4 . . . Page 462.	An act concerning the protection of life from boiler explosions . . . . .	Day . . . . .	Labor. Page 462.
235	Feb. 9 . . . Page 499.	A bill concerning life insurance . . . . .	Wier . . . . .	Select Committee. Page 499.
236	Feb. 10 . . . Page 510.	An act to index records of Supreme Court . . . . .	Duncan of Brown . . . .	Select Committee. Page 510.
237	Feb. 10 . . . Page 515-521.	An act authorizing the sale of certain State lands . . . . .	Andrew . . . .	Judiciary. Page 515-521 . . . .
238	Feb. 10 . . . Page 521.	An act concerning railroad bridges . . . . .	Bailey . . . . .	Labor. Page 521.
239	Feb. 10 . . . Page 521.	An act authorizing sale of lands owned by State . . . . .	Branaman . . . .	Benevolent Institutions. Page 521 . . . .
240	Feb. 10 . . . Page 521.	An act to amend an act concerning life insurance . . . . .	Cox . . . . .	Insurance. Page 521 . . . .
241	Feb. 10 . . . Page 522.	An act to legalize the town of Salem . . . . .	. . . . .	Cities and Towns. Page 522 . . . .
242	Feb. 10 . . . Page 522.	An act releasing lien of judgments, etc . . . . .	Drake . . . . .	Judiciary. Page 522 . . . .
243	Feb. 10 . . . Page 522.	An act concerning incorporate towns and drainage therein . . . . .	Ensley . . . . .	Cities and Towns. Page 522 . . . .
244	Feb. 10 . . . Page 522.	An act to amend section 4557, R. S., 1881, concerning State Normal School . . . . .	Fowler . . . . .	Education. Page 522 . . . .
245	Feb. 10 . . . Page 522.	An act to amend section 24, and to legalize certain acts done . . . . .	Harness . . . .	Judiciary. Page 522 . . . .

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Page 516 . . . . .					Standing on report committee.
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Page 513 . . . . .					Standing on report committee.
Amended. Page 638 . . . . .					Standing on report committee.
Page 592 . . . . .	Page 592 . . . . .	Page 687 . . . . .	Page 688 . . . . .	Pages 462, 652, 654, 687 . . . . .	In House.
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Amended. Page 538 . . . . .	Page 642 . . . . .	Page 642 . . . . .	Page 642 . . . . .	Pages 642, 776, 859, 871 . . . . .	In House.
Page 584 . . . . .				Pages 515, 521 . . . . .	Standing on report committee.
Page 539 . . . . .	Page 803 . . . . .			Page 803 . . . . .	On 3d reading.
. . . . .					In Committee.
Page 680 . . . . .					Standing on report of committee.
Page 672 . . . . .					Standing on report of committee.
Page 551 . . . . .	Page 552 . . . . .	Page 649 . . . . .	Page 650 . . . . .	Pages 552, 933, 936, 941 . . . . .	In House.
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Page 586 . . . . .					Standing on report of committee.
Page 809 . . . . .					Standing on report of committee.

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246	Feb. 10 . . . Page 522.	An act to amend an act concerning street railways . . . . .	Johnson . . .	Judiciary. Page 523 . . . .
247	Feb. 10 . . . Page 523.	An act concerning the sale of goods manufactured by convict labor . . . . .	Kennedy . . .	Labor. Page 523.
248	Feb. 10 . . . Page 523.	An act authorizing Boards of County Commissioners to make second assessment on real estate, etc. . . . .	Maey . . . . .	Roads. Page 523.
249	Feb. 10 . . . Page 523.	An act to amend section 551 of R. S. 1881, concerning proceedings in civil cases . . . . .	Peterson . . .	Judiciary. Page 523 . . . .
250	Feb. 10 . . . Page 523.	An act prescribing jurisdiction and service on insurance companies, etc . . . . .	Schloss . . . .	Insurance. Page 523 . . . .
251	Feb. 10 . . . Page 523.	An act to amend section 1409 of R. S. 1881, concerning appointment of shorthand reporters, etc . . . . .	Shroyer . . . .	Judiciary. Page 523 . . . .
252	Feb. 10 . . . Page 524.	An act to amend section 6416 of R. S. 1881, concerning taxation . . . . .	Tharp . . . . .	Judiciary. Page 524 . . . .
253	Feb. 10 . . . Page 524.	An act to amend section 1771, R. S. 1881, concerning proceedings in criminal cases . . . . .	Trippett . . . .	Judiciary. Page 524 . . . .
254	Feb. 10 . . . Page 524.	An act to appropriate money to erect school building at Institute for Deaf and Dumb . . . . .	Urmston . . . .	Benevolent Institutions. Page 524 . . . .
255	Feb. 10 . . . Page 524.	An act to legalize sales by guardians, etc.	Winter . . . . .	Judiciary. Page 524 . . . .
256	Feb. 10 . . . Page 524.	An act to amend section 6 of an act concerning re-location of county seats . . . . . .	. . . . .	County and Township Business. Page 524.
257	Feb. 10 . . . Page 525.	An act to establish a State Bureau of Statistics and Geology . . . . .	Bailey . . . . .	Labor. Page 525.
258	Feb. 10 . . . Page 525.	An act to regulate transportation of freight by railroad companies . . . . .	Branaman . . .	Railroads. Page 525 . . . .
259	Feb. 10 . . . Page 525.	An act to amend section 4 of an act authorizing construction of plank, etc., roads . . . . .	Day . . . . .	Roads. Page 525.
260	Feb. 10 . . . Page 525.	An act making May 30, Decoration Day, a legal holiday . . . . .	Harness . . . .	Military Affairs. Page 525 . . . .

## JOINT RESOLUTIONS—Continued.

Reported Back.	Second Reading.	Third Reading.	Vote on Passage.	Other Action.	Condition of Bill at Close of Session.
Page 610 .	Page 641 .	Page 641 .	Page 641 .	Pages 641, 646 . . . . .	In House.
Page 539 .	. . . . .	. . . . .	. . . . .	. . . . .	Standing on report of committee.
Page 587 .	. . . . .	. . . . .	. . . . .	. . . . .	Standing on report of committee.
Page 606 .	. . . . .	. . . . .	. . . . .	. . . . .	Standing on report of committee.
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	In committee.
Page 606 .	. . . . .	. . . . .	. . . . .	. . . . .	Standing on report of committee.
Page 606 .	. . . . .	. . . . .	. . . . .	Page 786 . . . . .	In committee.
Page 607 .	. . . . .	. . . . .	. . . . .	. . . . .	Standing on report of committee.
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	In committee.
Page 551 .	. . . . .	. . . . .	. . . . .	. . . . .	Standing on report of committee.
Page 840 .	. . . . .	. . . . .	. . . . .	. . . . .	Standing on report of committee.
Page 539 .	Page 805 .	. . . . .	. . . . .	Page 805 .	On 3d reading.
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	In committee.
Page 587 .	Page 805 .	Page 873 .	. . . . .	Pages 805, 873, 874 . . . .	Failed to pass.
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	In committee.

## CALENDAR OF ALL BILLS AND

Number.	Date Introduced and First Reading.	SUBJECT MATTER.	Author.	To What Committee Referred.
261	Feb. 10 . . Page 525.	An act to amend section 4834, R. S. 1881, concerning trespassing . . . . .	Kennedy . .	Agriculture. Page 525 . . . .
262	Feb. 10 . . Page 526.	An act to amend section 412, R. S. 1881, concerning proceedings in civil cases .	Macy . . . .	Judiciary. Page 526 . . . .
263	Feb. 10 . . Page 526.	An act concerning attorneys' fees in cases where insurance companies are sued, etc. . . . .	Schloss . . .	Insurance. Page 526 . . . .
264	Feb. 10 . . Page 526.	An act regulating life insurance companies . . . . .	Schloss . . .	Insurance. Page 526 . . . .
265	Feb. 10 . . Page 526.	An act to regulate amount of insurance on a single risk . . . . .	Schloss . . .	Insurance. Page 526 . . . .
266	Feb. 10 . . Page 526.	An act defining what is capital stock of insurance companies . . . . .	Schloss . . .	Insurance. Page 526 . . . .
267	Feb. 10 . . Page 526.	An act concerning fish ladders at dams .	Sellers . . . .	Judiciary. Page 526 . . . .
268	Feb. 10 . . Page 527.	An act to amend section 4029, R. S. 1881 .	Sellers . . . .	Judiciary. Page 527 . . . .
269	Feb. 10 . . Page 527.	An act to amend sections 1781 and 1782, R. S., 1881, concerning proceedings in criminal cases . . . . .	Trippet . . .	Judiciary. Page 527 . . . .
270	Feb. 10 . . Page 527.	An act incorporating Indiana Swine Breeders' Association . . . . .	Urmston . . .	Agriculture. Page 527 . . . .
271	Feb. 10 . . Page 527.	An act concerning Attorney-General . .	Urmston . . .	Fees and Salaries. Page 528 . . . .
272	Feb. 10 . . Page 528.	An act to pay Peter Rontier . . . . .	Winter . . . .	Claims. Page 528.
273	Feb. 10 . . Page 528.	An act to amend section 2094 of R. S. 1881 . . . . .	Winter . . . .	Judiciary. Page 528 . . . .
274	Feb. 10 . . Page 528.	An act concerning appeals in certain cases . . . . .	Winter . . . .	Judiciary. Page 528 . . . .
275	Feb. 10 . . Page 528.	An act to amend an act concerning life insurance . . . . .	Winter . . . .	Insurance. Page 528 . . . .
276	Feb. 10 . . Page 529.	An act to amend an act in regard to repairing fish ladders . . . . .	Davis . . . .	Judiciary. Page 529 . . . .

## JOINT RESOLUTIONS—Continued.

Reported Back.	Second Reading.	Third Reading.	Vote on Passage.	Other Action.	Condition of Bill at Close of Session.
Page 587 . . . . .	. . . . .	. . . . .	. . . . .	. . . . .	Standing on report of committee.
Page 551 . . . . .	. . . . .	. . . . .	. . . . .	. . . . .	Standing on report of committee.
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	In committee.
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	In committee.
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	In committee.
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	In committee.
Page 551 . . . . .	Page 780 . . . . .	Page 825 . . . . .	Page 826 . . . . .	Pages 780, 854 . . . . .	At door of House.
Page 551 . . . . .	. . . . .	. . . . .	. . . . .	. . . . .	Standing on report of committee.
Page 607 . . . . .	. . . . .	. . . . .	. . . . .	. . . . .	Standing on report of committee.
Page 676 . . . . .	. . . . .	. . . . .	. . . . .	. . . . .	Standing on report of committee.
Page 678 . . . . .	. . . . .	. . . . .	. . . . .	. . . . .	Standing on report of committee.
Page 646 . . . . .	. . . . .	. . . . .	. . . . .	. . . . .	Standing on report of committee.
Page 607 . . . . .	. . . . .	. . . . .	. . . . .	. . . . .	Standing on report of committee.
Page 682 . . . . .	. . . . .	. . . . .	. . . . .	. . . . .	Standing on report of committee.
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	In committee.
Page 808 . . . . .	. . . . .	. . . . .	. . . . .	. . . . .	Standing on report of committee.



## CALENDAR OF ALL BILLS AND

Number.	Date Introduced and First Reading.	SUBJECT MATTER.	Author.	To What Committee Referred.
277	Feb. 11 . . . Page 536.	A bill to pay Wm. A. Meloy for recovering swamp lands . . . . .	French . . .	Finance. Page 536 . . . . .
278	Feb. 11 . . . Page 536.	An act to legalize the election of officers of the town of Dunkirk . . . . .	Hale . . . . .	Judiciary. Page 536 . . . . .
279	Feb. 11 . . . Page 536.	An act concerning the indexing and filing certain land records of the State.	Dresser. . . .	Finance. Page 536 . . . . .
280	Feb. 11 . . . Page 536.	An act to amend section 6293, R. S. 1881 .	McClure. . . .	County and Township Business. Page 536
281	Feb. 11 . . . Page 536.	An act to amend an act concerning promissory notes, etc. . . . .	Dresser . . . .	Judiciary. Page 537 . . . . .
282	Feb. 11 . . . Page 537.	An act to pay Bert P. Davidson . . . .	Dresser . . . .	Claims. Page 537 . . . . .
283	Feb. 11 . . . Page 537.	An act for the relief of the widow and heirs of Ernest W. Holmes . . . . .	DeMotte . . . .	Claims. Page 537 . . . . .
284	Feb. 11 . . . Page 537.	An act to amend section 3765, R. R. 1881, concerning insurance . . . . .	Day . . . . .	Insurance. Page 537 . . . . .
285	Feb. 11 . . . Page 537.	An act prohibiting sale of cigars, etc., to minors . . . . .	Ensley . . . . .	Temperance. Page 537 . . . . .
286	Feb. 12 . . . Page 544.	An act to authorize a debt on behalf of the State of Indiana, etc. . . . .	Bailey . . . . .	Finance. Page 544 . . . . .
287	Feb. 14 . . . Page 554.	An act to provide for appointment of Custodian of Public Buildings. . . . .	Griffith . . . .	Public Buildings. Page 554 . . . . .
288	Feb. 14 . . . Page 554.	An act to pay new State House Commissioners . . . . .	Griffith. . . . .	Public Buildings. Page 554 . . . . .
289	Feb. 14 . . . Page 564.	An act to amend section 4701, R. S. 1881, concerning elections and contests . . . .	Bryant. . . . .	Elections. Page 564 . . . . .
290	Feb. 14 . . . Page 564.	An act to appoint and pay bailiffs of courts . . . . .	Barrett . . . .	Fees and Salaries. Page 564.
291	Feb. 14 . . . Page 565.	An act to pay Fulmer & Seibert . . . . .	Bailey . . . . .	Claims. Page 565 . . . . .
292	Feb. 16 . . . Page 579.	An act concerning Green River Island .	Tharp . . . . .	
293	Feb. 18 . . . Page 597.	An act to inclose Tippecanoe Battle Ground . . . . .	Dresser . . . .	Finance. Page 598 . . . . .
294	Feb. 17 . . . Page 598.	An act regulating fees of clerks of Superior and Circuit Courts . . . . .	Branaman. . . .	Fees and Salaries. Page 598.

## JOINT RESOLUTIONS—Continued.

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Amended. Page 583.					Standing on report committee.
Page 607 .	Page 619 .	Page 619 .	Page 619 .	Pages 619, 625, 636, 648, 691	Law.
Page 638 .					Standing on report committee.
Page 591 .	Page 702 .	Page 821 .	Page 821 .	Pages 702, 832. . . . .	At door of House.
Page 608 .					Standing on report committee.
					In committee.
Page 846 .					Standing on report committee.
Page 680 .					Standing on report committee.
Page 680 .					Standing on report committee.
Page 585 .	Page 694 .	Page 775 .	Page 775 .	Pages 694, 695, 783. . . .	At door of House.
Substitute. Page 588 .					Standing on report committee.
Page 587 .					Standing on report committee.
Page 675 .	Page 805 .	Page 813 .	Page 813 .	Pages 805, 832. . . . .	At door of House.
					In committee.
					In committee.
	Page 579 .	Page 579 .	Page 579 .	Pages 580, 679, 692, 769, 781, 830 . . . . .	Law.
Page 627 .	Page 628 .	Page 628 .	Page 628 .	Pages 628, 933, 936, 941, 944, 961, 964 . . . . .	Law.
Amended. Page 678.	Page 788 .			Page 788 . . . . .	On third reading.

## CALENDAR OF ALL BILLS AND

Number.	Date Introduced and First Reading.	SUBJECT MATTER.	Author.	To What Committee Referred.
295	Feb. 17 . . Page 598.	An act concerning publication of pernicious literature . . . . .	Cox . . . . .	Temperance. Page 598 . . . . .
296	Feb. 17 . . Page 598.	An act to amend section 282 of an act concerning proceedings in civil cases .	Drake . . . . .	Judiciary. Page 598 . . . . .
297	Feb. 17 . . Page 599.	An act authorizing Trustees State University to sell real estate belonging to same . . . . .	Duncan of Brown . . . . .	Judiciary. Page 599 . . . . .
298	Feb. 17 . . Page 599.	An act legalizing the town of Jonesville.	Duncan of Brown . . . . .	Judiciary. Page 599 . . . . .
299	Feb. 17 . . Page 599.	An act providing for increase of capital stock of mining and manufacturing companies . . . . .	Griffith. . . . .	Judiciary. Page 599 . . . . .
300	Feb. 17 . . Page 599.	An act regulating and protecting natural gas companies . . . . .	Harness . . . . .	Judiciary. Page 599 . . . . .
301	Feb. 17 . . Page 600.	An act authorizing County Commissioners to offer rewards for the apprehension of criminals . . . . .	Harness . . . . .	County and Township Business. Page 600 .
302	Feb. 17 . . Page 600.	An act requiring Township Trustees to keep public cemeteries in good order .	Harness . . . . .	County and Township Business. Page 600 .
303	Feb. 17 . . Page 600.	An act authorizing a loan to refund the State debt at lower rate of interest . .	Kennedy. . . . .	Finance. Page 600 . . . . .
304	Feb. 17 . . Page 600.	An act concerning construction and maintenance of levees, etc. . . . .	Marshall. . . . .	Agriculture. Page 600. . . . .
305	Feb. 17 . . Page 600.	An act to amend an act concerning descents and apportionment of estates. .	Peterson . . . . .	Judiciary. Page 600 . . . . .
306	Feb. 17 . . Page 601.	An act concerning voluntary associations. . . . .	McClure . . . . .	County and Township Business. Page 601 .
307	Feb. 17 . . Page 601.	An act to amend section 3562, R. S. 1881, authorizing public aid to bridges . . .	McClure . . . . .	Corporations. Page 601 . . . . .
308	Feb. 17 . . Page 601.	An act to repeal section 217 of an act concerning public offenses, being section 2127, R. S. 1881 . . . . .	Rahm . . . . .	Labor. Page 601 .
309	Feb. 17 . . Page 601.	An act to regulate charges allowed for use of telephone, etc. . . . .	Schloss . . . . .	Judiciary. Page 601 . . . . .

## JOINT RESOLUTIONS—Continued.

Reported Back.	Second Reading.	Third Reading.	Vote on Passage.	Other Action.	Condition of Bill at Close of Session.
Page 679 . . . . .					Standing on report committee.
Page 682 . . . . .					Standing on report committee.
Page 796 . . . . .				Page 682 . . . . .	Standing on report committee.
Page 683 . . . . .					Standing on report committee.
					In committee.
Page 683 . . . . .					Standing on report committee.
Page 840 . . . . .					Standing on report committee.
Page 690 . . . . .					Standing on report committee.
Page 829 . . . . .					Standing on report committee.
Page 677 . . . . .					Standing on report committee.
Page 810 . . . . .					Standing on report committee.
Page 689 . . . . .	Page 779 . . . . .	Page 893 . . . . .	Page 884 . . . . .	Pages 779, 961. . . . .	At door of House.
Page 634 . . . . .	Page 770 . . . . .	Page 781 . . . . .	Page 781 . . . . .	Pages 770, 781, 786, 817 . . . . .	At door of House.
Page 681 . . . . .	Page 804 . . . . .	Page 824 . . . . .		Pages 804, 824 . . . . .	Failed to pass.
Amended. Page 839 . . . . .	Page 927 . . . . .			Pages 809, 822, 839, 927 . . . . .	Indefinitely postponed.

## CALENDAR OF ALL BILLS AND

Number.	Date Introduced and First Reading.	SUBJECT MATTER.	Author.	To What Committee Referred.
310	Feb. 17 . . Page 601.	An act authorizing County Commissioners to purchase toll roads and declare them free . . . . .	Schroyer. . .	County and Township Business. Page 601 .
311	Feb. 17 . . Page 602.	An act to amend section 2 of an act concerning the working of coal mines, declaring lien upon same . . . . .	Tharp . . . .	Mines and Mining. Page 602 .
312	Feb. 17 . . Page 602.	An act to relieve Clarence Ellis . . . . .	Winter. . . .	Claims. Page 602 . . . . .
313	Feb. 17 . . Page 602.	An act to pay Dye & Fishback \$500 for services for provisional Trustees Insane Hospital . . . . .	Winter . . . .	Claims. Page 602 . . . . .
314	Feb. 17 . . Page 602.	An act to amend an act concerning amount of taxes which may be levied by County Commissioners in counties having voting population of 25,000 . .	Winter . . . .	Affairs of City of Indianapolis. Page 602 . . . . .
315	Feb. 17 . . Page 602.	An act regulating foreign insurance companies . . . . .	Winter . . . .	Insurance. Page 602 . . . . .
316	Feb. 17 . . Page 603.	An act authorizing the formation of county associations . . . . .	Winter . . . .	Judiciary. Page 603 . . . . .
317	Feb. 17 . . Page —	An act to remove obstructions in Kankakee, at Momence . . . . .	Howard of St. Joseph . .	Judiciary.
318	Feb. 18 . . Page 633.	An act fixing times of holding court in 24th and 50th judicial circuits . . . .	Shively . . . .	Judiciary. Page 633 . . . . .
319	Feb. 18 . . Page 633.	An act defining the 19th and 50th judicial circuits . . . . .	Campbell . . .	Organization of Courts. Page 633 . . . . .
320	Feb. 18 . . Page 633.	An act to repeal an act authorizing sale of certain land belonging to the State.	Weir . . . . .	Swamp Lands. Page 633 . . . . .
321	Feb. 18 . . Page 634.	An act to prohibit circuses, etc., exhibiting while county fair is in progress . .	Dresser . . . .	Agriculture. Page 634 . . . . .
322	Feb. 18 . . Page 634.	An act conferring on marshals of incorporated towns the power of constables.	Ensley . . . .	Cities and Towns. Page 634 . . . . .
223	Feb. 18 . . Page 634.	An act to amend section 3 of an act to amend sections 4373, 4374, 4378, of an act concerning common schools . . . .	Harness . . . .	County and Township Business. Page 634.
324	Feb. 21 . . Page 635.	An act to provide for the control of State Prisons, North and South . . . . .	Barrett . . . .	Prisons. Page 635.

*Table Showing in part the Work of the Senate and the state of the  
Business before the Senate at the close of the Session. Pre-  
pared by Webster Dixon, Secretary.*

NOTE—Number 184 was inadvertently omitted in numbering bills as introduced, but two bills were introduced each bearing the number 237 (see pages 515 and 521 Senate Journal), so that the mathematics of the accompanying table would remain correct.

Senate bills which became law . . . . .	28
House bills which became law. . . . .	12

STATE OF BUSINESS IN SENATE AT CLOSE OF SESSION.

Total number of bills introduced . . . . .	340
Passed . . . . .	76
Pending . . . . .	264
Total . . . . .	340

Of Senate bills passed the Senate . . . . .	<div style="display: inline-block; vertical-align: middle;"> <div style="display: inline-block; vertical-align: middle;"> { Delivered to House House refused to re- ceive . . . . . </div> <div style="display: inline-block; vertical-align: middle; margin-left: 10px;"> 45 31 </div> </div>
Total . . . . .	76

Senate bills in committee . . . . .	43
Senate bills on second reading . . . . .	3
Senate bills reported back for action, but the reports of committee unacted upon . . . . .	159
Senate bills on third reading . . . . .	34
Senate bills indefinitely postponed . . . . .	7
Senate bills laid on table . . . . .	7
Senate bills failed to pass for want of constitutional majority . . . . .	11
Total . . . . .	264
	340

Total House bills received . . . . .	32
House bills passed the Senate . . . . .	21

Of House bills that passed Senate . . . . .	<div style="display: inline-block; vertical-align: middle;"> <div style="display: inline-block; vertical-align: middle;"> { Became law . . . . . Rejected by House at the door of House One H. B. No. 67, for some reason not becoming law . . . . . </div> <div style="display: inline-block; vertical-align: middle; margin-left: 10px;"> 12 8 1 </div> </div>
Total . . . . .	21
House bills in Senate in committee . . . . .	3
House bills in Senate on 1st reading . . . . .	1
House bills in Senate on 2d reading . . . . .	4
House bills in Senate on 3d reading . . . . .	3
Total . . . . .	11
	32

A FULL AND COMPLETE LIST,

AND INDEX THERETO,

OF ALL

# Bills and Joint Resolutions

(SENATE AND HOUSE),

Which Were Acted Upon by the Senate During  
the Regular Session

OF THE

## FIFTY-FIFTH GENERAL ASSEMBLY

OF THE STATE OF INDIANA.

Commencing on Thursday, January 6, 1887.

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Prepared and Published Pursuant to Section 4982, Revised Statutes, 1881.

BY WEBSTER DIXON,

Principal Secretary of the Senate.

## SENATE BILLS.

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### No. 1. BY SENATOR BAILEY, January 6, 1887—

An act providing for the inspection of steam boilers, the appointment of a State Boiler Inspector, the licensing of engineers in charge of steam boilers, and the creation of a Board of Engineers.

	Page.
Read first time, January 6 . . . . .	22
Referred to Committee on Labor, January 6 . . . . .	23
Reported back with amendments to pass, January 26 . . . . .	334
Report concurred in, January 31 . . . . .	396
Read second time, January 31 . . . . .	396
Ordered engrossed, January 31 . . . . .	396
Read third time, February 2 . . . . .	415
Re-referred to Committee on Labor, February 3 . . . . .	435
Reported back substitute recommending passage, February 17 . . . . .	592
Report of committee concurred in, February 22 . . . . .	652
Read second time, February 22 . . . . .	652
Ordered engrossed . . . . .	652
Amended and ordered engrossed, as amended . . . . .	654
Read third time, February 23 . . . . .	687
Amended and passed, February 23 . . . . .	687, 688
In House.	

### No. 2. BY SENATOR BARRETT, January 6, 1887—

A bill for an act concerning the payment and security of employes of associations, corporations, joint stock companies, copartnerships, and individuals doing business or employing labor in this State.

Read first time, January 6 . . . . .	23
Referred to Committee on Labor, January 6 . . . . .	23
Reported back, with amendments, recommending passage, January 24 . . . . .	260
Made a special order, January 26 . . . . .	339
Taken up, January 26 . . . . .	342
Taken up and read second time, January 28 . . . . .	365
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Ordered engrossed, January 28 . . . . .	370
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Passed, February 4 . . . . .	457
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In House.	



## No. 3. BY SENATOR ANDREW, January 6, 1887—

A bill to provide for the erection of a State soldiers' and sailors' monument.	Page.
Read first time, January 6 . . . . .	23
Referred to Committee on Military Affairs, January 6 . . . . .	23
Reported back, with amendments, recommending passage, February 4 . . . . .	465
Taken up and made special order, February 14 . . . . .	563
Taken up and further consideration postponed, February 15 . . . . .	566
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Senator Rahm would have voted for if present . . . . .	623
Senator Schroyer would have voted for if present . . . . .	624
Report of Committee on Phraseology . . . . .	645
Signed by President of Senate, March 3 . . . . .	864
Report of Joint Committee on Enrolled Bills, March 3 . . . . .	866, 868
Signed by Governor, March 3 . . . . .	868
Message of Governor thereon . . . . .	879

## No. 4. BY SENATOR GRIFFITH, January 6, 1887—

An act to legalize the meetings of the Board of County Commissioners of the several counties in the State of Indiana in certain cases, and matters properly connected therewith, and to declare an emergency.

Read first time, January 6 . . . . .	23
Referred to Committee on County and Township Business, January 6 . . . . .	23
Reported back, recommending passage, January 21 . . . . .	345
Report of Committee concurred in, January 26 . . . . .	345
Read second time by sections, January 26 . . . . .	345
Amended and ordered engrossed, January 26 . . . . .	345
Read third time and passed, February 9 . . . . .	439
Report of Committee on Phraseology . . . . .	496
In House.	

## No. 5. BY SENATOR HOWARD OF ST. JOSEPH, January 6, 1887—

Bill for an act for the relief of George C. Merrifield and the heirs of Isaac K. Parks, deceased, sureties upon the bond of William McKee Merrifield, former Trustee of Penn Township, St. Joseph County, Indiana, and to authorize the present trustee of said township, and his successors in office, to release a judgment obtained against said sureties in the St. Joseph Circuit Court, March 10, 1874, on payment of principal and costs.

Read first time, January 6 . . . . .	23
Referred to Committee on Claims, January 6 . . . . .	23
Reported back, recommending passage, January 25 . . . . .	315
Read second time, January 26 . . . . .	343
Report of committee concurred in, January 26 . . . . .	343
Ordered engrossed, January 26 . . . . .	343
Read third time and passed, February 9 . . . . .	490
Report of Committee on Phraseology . . . . .	497
Governor transmits to Senate for signature of its officers, March 5 . . . . .	933
Speaker of House defies official request of Governor, March 5 . . . . .	936
Report of Joint Committee on Enrolled Bills . . . . .	941, 961
Signed by President of Senate, March 5 . . . . .	943
Signed by Governor, March 7 . . . . .	963

**No. 6. BY SENATOR McDONALD OF WHITLEY, January 6, 1887—**

<b>A bill for an act to establish and maintain the Indiana Soldiers' and Sailors' Orphans' Home, and to repeal certain statutes relating thereto.</b>	<b>Page-</b>
Read first time, January 6 . . . . .	23
Referred to Committee on Benevolent Institutions, January 6 . . . . .	23
Reported back recommending passage, January 21 . . . . .	223
Report concurred in and read second time, January 21 . . . . .	231
Made special order and 200 copies ordered printed, January 21 . . . . .	237
Taken up, January 27 . . . . .	349
Made special order, January 31 . . . . .	401
Amended, February 4 . . . . .	454, 455
Constitutional rules suspended, considered engrossed, read third time by sections and passed, February 4 . . . . .	455
Passed by House, February 16 . . . . .	509
Report of Committee on Enrolled Bills . . . . .	569
Signed by Speaker of House . . . . .	570
Report of Committee on Enrolled Bills . . . . .	570, 530
Signed by President of Senate . . . . .	830
Signed by Governor, February 16 . . . . .	581

**No. 7. BY SENATOR RAHM, January 6, 1887—**

<b>An act to repeal sections 216 and 217 of an act entitled "An act concerning public offenses and their punishment," approved April 14, 1881, being sections 2126 and 2127 of the Revised Statutes of 1881.</b>	
Read first time, January 6 . . . . .	24
Referred to Committee on Judiciary, January 6 . . . . .	24
Reported back, recommending passage, January 24 . . . . .	261
Taken up, January 26 . . . . .	345
Taken up and again made special order, January 27 . . . . .	349
Motion of Senator Rahm to make special order . . . . .	414
Made special order . . . . .	544
Indefinitely postponed by Senate, February 14 . . . . .	554, 555

**No. 8. BY SENATOR SMITH OF WELLS, January 6, 1887—**

<b>An act to amend section one (1) of an act entitled an act to amend section twelve (12) of an act entitled an act concerning liens of mechanics, laborers and material men. approved March 6, 1883. Approved April 13, 1885.</b>	
Read first time, January 6 . . . . .	24
Referred to Committee on Labor, January 6 . . . . .	24
Reported back, recommending passage, January 24 . . . . .	280
Read a second time, February 11 . . . . .	542
Report of committee concurred in, February 11 . . . . .	542
Ordered engrossed . . . . .	542
Read third time, February 16 . . . . .	580
Passed, February 16 . . . . .	581
In House.	

**No. 9. BY SENATOR THOMPSON OF MARION, January 6, 1887—**

<b>An act to authorize the Hendricks Monument Association to erect and maintain a monument to the memory of the late Thomas A. Hendricks, and the Odd Fellows' Association to erect and maintain a monument to the memory of the late Schuyler Colfax, on any of the grounds belonging to the State of Indiana in the city of Indianapolis.</b>	
Read first time, January 6 . . . . .	24
Referred to Committee on Public Grounds, January 6 . . . . .	24
Changed to Committee on Public Buildings, January 15 . . . . .	128
Reported back, amended, recommending passage, January 29 . . . . .	384
Report concurred in and read second time, January 31 . . . . .	406
Ordered engrossed, January 31 . . . . .	407
Constitutional rules suspended, amended, read third time by sections and passed, January 31 . . . . .	407, 408
Governor transmits to Senate for signature of its officers, March 5 . . . . .	933
Speaker of House defies official request of Governor, March 5 . . . . .	936
Report of Joint Committee on Enrolled Bills . . . . .	941, 961
Signed by President of Senate, March 5 . . . . .	943
Signed by Governor, March 7 . . . . .	963

## No. 10. BY SENATOR TRIPPET, January 6, 1887—

An act to create appellate courts, to define their jurisdiction and procedure, and declaring an emergency.	Page.
Read first time, January 6 . . . . .	24
Referred to Committee on Organization of Courts, January 6 . . . . .	24
Reported back, amended, recommending passage, January 31 . . . . .	390
Made special order and 200 copies ordered printed . . . . .	390, 394
Minority report of committee, recommending substitute . . . . .	394
Made a special order . . . . .	453
Read a second time, February 21 . . . . .	636
Referred to Committee on Judiciary, February 21 . . . . .	636
Ordered engrossed, February 24 . . . . .	685
Read third time, February 25 . . . . .	736
Failed to pass, February 25 . . . . .	737

## No. 11. BY SENATOR ZIMMERMAN, January 6, 1887—

An act to amend section two hundred and two of an act entitled an act concerning public offenses and their punishment, approved April 14, 1881, being section 2110 of the Revised Statutes of 1881.

Read first time, January 6 . . . . .	24
Referred to Committee on Agriculture, January 6 . . . . .	24
Reported back, recommending passage, January 26 . . . . .	329
Report of committee concurred in, February 18 . . . . .	629
Read second time, February 18 . . . . .	629
Ordered engrossed, February 18 . . . . .	629
Read third time, February 23 . . . . .	690
Passed, February 23 . . . . .	691
Governor transmits to Senate for signature of its officers, March 5 . . . . .	933
Speaker of House defies official request of Governor, March 5 . . . . .	936
Report of Joint Committee on Enrolled Bills . . . . .	941, 961
Signed by President of Senate, March 5 . . . . .	944
Signed by Governor, March 7 . . . . .	963

## No. 12. SENATOR THOMPSON OF MARION, January 6, 1887—

A bill regulating the instruction of children—compelling their education—defining the time to be spent of each year in school—the duties of parents or other persons having control of children over seven and under fourteen years of age, and prescribing the penalties for neglect in complying with the provisions of this bill.

Read first time, January 6 . . . . .	24
Referred to Committee on Education, January 6 . . . . .	25
Reported back, amended, recommending passage, February 26 . . . . .	793, 794
Report of committee concurred in, March 1 . . . . .	833
Read second time and ordered engrossed, March 1 . . . . .	833
Read third time, March 4 . . . . .	930
Failed to pass, March 4 . . . . .	930

## No. 13. BY SENATOR SCHLOSS, January 6, 1887—

An act to regulate the practice of dentistry in the State of Indiana and prescribing penalties for the violation thereof, and to repeal chapter 47 of the Revised Statutes of 1881, being an act approved March 29, 1879, and repealing laws in conflict with the provisions of this act and providing that all violations of the act approved March 29, 1879, may be prosecuted under the provisions thereof.

Read first time, January 6 . . . . .		} See table of errata.
Referred to Committee on Public Health . . . . .		
Reported back, recommending substitute, January 22 . . . . .	344	
Consideration of committee's report made special order . . . . .	344	
Report concurred in and read second time, January 31 . . . . .	408	
Recommitted to Committee on Public Health, February 1 . . . . .	412	
Reported back substitute, February 4 . . . . .	463	
Report concurred in, February 12 . . . . .	545	
Read second time . . . . .	545	

## No. 14—Continued.

	Page.
Amended . . . . .	545-546
Ordered engrossed . . . . .	546
Read third time . . . . .	582
Vote on passage—no quorum—bill failed . . . . .	582
Referred to special committee of one with instructions, February 17 . . . . .	603
Report of special committee and concurred in, February 21 . . . . .	647
Passed, February 21 . . . . .	647
Title referred to Committee on Phraseology . . . . .	647
• Report of Committee on Phraseology, February 23 . . . . .	670
Governor transmits to Senate for signature of its officers, March 5 . . . . .	933
Speaker of House defies official request of Governor, March 5 . . . . .	936
Report of Joint Committee on Enrolled Bills . . . . .	941, 961
Signed by President of Senate, March 5 . . . . .	943
Signed by Governor, March 7 . . . . .	963

## No. 14. BY SENATOR DRESSER, January 6, 1887—

An act fixing the fees of the Reporter of the Supreme Court.

Read first time, January 6 . . . . .	25
Referred to Committee on Fees and Salaries, January 6 . . . . .	25
Reported back to be indefinitely postponed, February 10 . . . . .	506

## No. 15. BY SENATOR THOMPSON OF JASPER, January 6, 1887—

A bill for an act requiring druggists to take out liquor licenses.

Read first time, January 6 . . . . .	26
Referred to Committee on Temperance, January 6 . . . . .	26

## No. 16. BY SENATOR DRESSER, January 6, 1887—

A bill for an act in relation to the rights and liabilities of married women: repealing all laws or parts of laws in conflict therewith, and declaring an emergency.

Read first time, January 6 . . . . .	27
Referred to Committee on Judiciary, January 6 . . . . .	27
Reported back, amended, majority recommending passage, February 10 } minority, that it be indefinitely postponed . . . }	501
Motion to substitute minority for majority report fails . . . . .	612
Motion to concur in majority report fails . . . . .	613
Motion to indefinitely postpone bill fails . . . . .	613

## No. 17. BY SENATOR McDONALD OF WHITLEY, January 7, 1887—

A bill for an act to establish and maintain the Indiana Soldiers' and Sailors' Orphans' Home.

Read first time, January 7 . . . . .	68
Referred to Committee on Military Affairs, January 7 . . . . .	68

## No. 18. BY SENATOR THOMPSON OF MARION, January 7, 1887—

An act to pay Baker, Smith & Co. balance on their contract for steam heating apparatus in the Indiana Hospital for the Insane, department for women, and declaring an emergency.

Read first time, January 7 . . . . .	68
Referred to Committee on Claims, January 7 . . . . .	68
Reported back, recommending passage, January 25 . . . . .	315
Report concurred in . . . . .	567
Read second time, February 15 . . . . .	567
Constitutional rules suspended, bill amended, considered engrossed, read third time by sections and passed, February 15 . . . . .	568
Governor transmits to Senate for signature of its officers, March 5 . . . . .	933
Speaker of House defies official request of Governor, March 5 . . . . .	936
Report of Joint Committee on Enrolled Bills . . . . .	941, 961
Signed by President of Senate, March 5 . . . . .	943
Governor filed in office of Secretary of State, without his approval, March 7 . . . . .	944

## No. 19. BY SENATOR MOON, January 7, 1887—

An act to authorize cities and towns to issue bonds for the purpose of funding their indebtedness, reducing the rate of interest on pre-existing obligations, compromising with any creditor or creditors, or taking up and canceling bonds, notes or other obligations already due or which shall hereafter become due, and making it the duty of the Common Councils of such cities and Boards of Trustees of such towns to levy taxes for the payment of the interest, and to provide sinking funds for the liquidation of the principal of such bonds, and repealing all laws in conflict.

	Page.
Read first time, January 7 . . . . .	68
Referred to Committee on Judiciary, January 7 . . . . .	68
Reported back amended, recommending passage, January 25 . . . . .	330
Made a special order . . . . .	472
Reported back, amended, recommending passage . . . . .	330, 477
Report concurred in . . . . .	477
Read second time and amended, February 8 . . . . .	477, 478
Constitutional rules suspended, considered engrossed, read a third time by sections and passed, February 8 . . . . .	478, 479
Referred to Committee on Phraseology . . . . .	479
Report of Committee on Phraseology . . . . .	497
Passed by House, February 12 . . . . .	552
Report of Committee on Enrolled Bills . . . . .	569
Signed by Speaker of House . . . . .	570
Report of Committee on Enrolled Bills . . . . .	570
Report of Joint Committee on Enrolled Bills . . . . .	830
Signed by President of Senate . . . . .	830
Signed by Governor, February 16 . . . . .	581

## No. 20. BY SENATOR COX, January 7, 1887—

An act to amend sections fifty-six and sixty-four of an act entitled an act concerning Justices of the Peace and their jurisdiction, approved September 19, 1881, the same being sections 1629 and 1637 of Revised Statutes of 1881.

Read first time, January 7 . . . . .	68
Referred to Committee on Judiciary, January 7 . . . . .	68
Reported back amended, recommending passage, January 25 . . . . .	330
Recommitted to Committee on Judiciary, February 11 . . . . .	542

## No. 21. BY SENATOR DAVIS, January 7, 1887—

An act to legalize the incorporation of the town of Middlebury, Elkhart County, Indiana.

Read first time, January 7 . . . . .	68
Referred to special committee, January 7 . . . . .	68
Reported back, recommending passage, January 12 . . . . .	96
Report concurred in . . . . .	96
Rules suspended, read first and second time by title, third time by sections and passed, January 12 . . . . .	97
Passed by House . . . . .	134
Special committee appointed to examine . . . . .	144
Report of special committee . . . . .	146
Signed by President of Senate . . . . .	147
Signed by Speaker of House . . . . .	150
Report of Joint Committee on Enrolled Bills, January 26 . . . . .	343
Signed by Governor, January 27 . . . . .	347
Report of Joint Committee on Enrolled Bills . . . . .	830

## No. 22. BY SENATOR DRAKE, January 7, 1887—

An act supplemental to the street, alley and highway act.

Read first time, January 7 . . . . .	68
Referred to Committee on Cities and Towns, January 7 . . . . .	68
Reported back, recommending that it be laid on the table, January 22 . . . . .	254

**No. 23. BY SENATOR DRESSER, January 7, 1887—**

A bill to amend section eight of "An act authorizing the construction of plank, macadamized and gravel roads, and to empower the same to make sale of a portion of their roads," approved February 23, 1855.

	Page.
Read first time, January 7 . . . . .	69
Referred to Committee on Roads, January 7 . . . . .	69
Reported back, recommending passage, February 3 . . . . .	438
Report of committee concurred in, February 8 . . . . .	484
Read a second time . . . . .	484
Amended and referred to Committee on Roads, with instructions . . . . .	485
Reported back, recommending substitute, February 10 . . . . .	510, 511
Report of committee concurred in, February 18 . . . . .	629
Read second time and ordered engrossed, February 18 . . . . .	629
Read third time, February 23 . . . . .	691
Passed. February 23 . . . . .	691
In House.	

**No. 24. BY SENATOR GRIFFITH, January 7, 1887—**

An act concerning the powers of common councils and cities.

Read first time, January 7 . . . . .	69
Referred to Committee on Cities and Towns, January 7 . . . . .	69

**No. 25. BY SENATOR HARNESS, January 7, 1887—**

An act to amend section 24 of the descent and apportionment of estates act.

Read first time, January 7 . . . . .	69
Referred to Committee on Judiciary, January 7 . . . . .	69
Reported back, recommending indefinite postponement, January 25 . . . . .	321

**No. 26. BY SENATOR JOHNSON, January 7, 1887—**

An act concerning the death penalty, prescribing the time, place and manner of inflicting the same, defining who shall be the executioner, and the duties of various officers in connection therewith.

Read first time, January 7 . . . . .	69
Referred to Committee on Judiciary, January 7 . . . . .	69
Reported back recommending passage, January 31 . . . . .	395
Report of committee concurred in, February 8 . . . . .	487
Read second time and ordered engrossed, February 8 . . . . .	487
Read third time, amended and passed, February 9 . . . . .	491, 492
Referred to Committee on Phraseology . . . . .	492
Report of Committee on Phraseology . . . . .	498
Governor transmits to Senate for signature of its officers, March 5 . . . . .	933
Speaker of House defies official request of Governor, March 5 . . . . .	936
Report of Joint Committee on Enrolled Bills . . . . .	941

**No. 27. BY SENATOR MACY, January 7, 1887—**

A bill for an act to authorize the holding of primary elections by political parties and associations in any district, county or municipal corporation in this State; providing for the appointment of supervisors of such election, and to prescribe rules for the conduct thereof, and to prohibit the purchase and sale of votes and influence at such elections, and prescribing penalties and punishment therefor.

Read first time, January 7 . . . . .	70
Referred to Committee on Elections, January 7 . . . . .	70
Reported back recommending passage, February 3 . . . . .	447
Referred to special committee and made special order . . . . .	529
Reported substitute, February 14 . . . . .	557
Original bill indefinitely postponed . . . . .	563
Report concurred in, and 100 copies of substitute ordered printed, February 14 . . . . .	563
Substitute read second time and ordered engrossed, February 18 . . . . .	629
Read third time, February 23 . . . . .	691
Amended and passed, February 23 . . . . .	692
Title referred to Committee on Phraseology . . . . .	692
Report of Committee on Phraseology . . . . .	767
In House.	

## No. 28. BY SENATOR MULLENIX, January 7, 1887—

A bill to amend sections 5198, 5199, and 2001 of the Revised Statutes.	Page.
Read first time, January 7 . . . . .	70
Referred to Committee on County and Township Business, January 7 . . . . .	70
Reported back, recommending indefinite postponement, January 31 . . . . .	396

## No. 29. BY SENATOR SEARS, January 7, 1887—

An act to regulate the mining of coal, regulating the manner of weighing the same, prescribing penalties for violation of the same and other matters connected therewith.

Read first time, January 7 . . . . .	71
Referred to Committee on Mines and Mining, January 7 . . . . .	71
Reported back, amended, recommending passage, January 21 . . . . .	224
Report concurred in, read second time, and ordered engrossed, January 31 . . . . .	401
Made special order . . . . .	488
Read third time, amended, and recommitted to Committee on Mines and Mining, February 9 . . . . .	492
Called up, postponed, and made special order . . . . .	860
Report of committee concurred in, March 3 . . . . .	869
Passed, March 3 . . . . .	869, 870
House refused to receive, March 3 . . . . .	882

## No. 30. BY SENATOR SELLERS FOR SCHLOSS, January 7, 1887—

An act to appropriate twenty-five thousand dollars for the relief of persons who suffered by reason of high waters of the Wabash River, for improving the public health, and increasing in value the taxable property of the State, by the reclamation of thirteen thousand acres of lands, subject to overflow by the Wabash River, in Prairieton and Prairie Creek Township, Vigo County, Indiana; providing that the work of the reclamation of said lands be done under the direction of the Drainage Commissioner of Vigo County, and providing for a record and report of the work done, and declaring an emergency.

Read first time, January 7 . . . . .	71
Referred to Committee on Swamp Lands, January 7 . . . . .	71
Reported back, recommending passage, March 1 . . . . .	823

## No. 31. BY SENATOR SMITH OF WELLS, January 7, 1887—

An act to amend section 3 of an act entitled an act providing for the election of Clerks of the Circuit Court, and providing some of their duties, approved June 7, 1852, with an emergency clause.

Read first time, January 7 . . . . .	71
Referred to Committee on County and Township Business, January 7 . . . . .	71
Reported back, recommending passage, January 20 . . . . .	217
Read second time, January 22 . . . . .	251
Ordered that 100 copies be printed, January 22 . . . . .	252
Referred to special committee, February 12 . . . . .	346
Report of committee and report concurred in, February 12 . . . . .	352
Substitute read second time, February 18 . . . . .	629
Recommitted to Committee on County and Township Business, February 18 . . . . .	630
Reported back, amended, recommending passage, February 23 . . . . .	689
Report of committee concurred in, February 24 . . . . .	697
Read second time, February 24 . . . . .	697
Amended and ordered engrossed . . . . .	698
Read third time, March 4 . . . . .	927
Passed, March 4 . . . . .	927
House refuse to receive, March 7 . . . . .	962

## No. 32. BY SENATOR THOMPSON OF MARION, January 7, 1887—

An act to pay David R. Munson for work done by him for the State of Indiana, and declaring an emergency. Page.

Read first time, January 7 . . . . .	71
Referred to Committee on Claims, January 7 . . . . .	71
Reported back recommending passage, February 10 . . . . .	514
Motion of Senator Thompson that it be engrossed . . . . .	611
Read second time, February 17 . . . . .	611
Report of committee concurred in . . . . .	611
Ordered engrossed . . . . .	611

## No. 33. BY SENATOR THARP, January 7, 1887—

An act making it a misdemeanor for any person, copartnership, corporation or association, or any member, agent or employe thereof to publish or issue any check, card or other paper which is not commercial or currency, authorized to be issued by the United States Government, in payment to any employe for manual or mechanical labor done or contracted to be done a misdemeanor and prescribing a penalty therefor.

Read first time, January 7 . . . . .	72
Referred to Committee on Labor, January 7 . . . . .	72
Withdrawn from Committee on Labor and referred to Committee on Mines and Mining . . . . .	113
Reported back, recommending passage, January 21 . . . . .	224
Read second time, February 18 . . . . .	630
Indefinitely postponed by Senate, February 18 . . . . .	630

## No. 34. BY SENATOR ZIMMERMAN, January 7, 1887—

An act to amend section 198 of an act entitled an act concerning public offenses and their punishment, approved April 14, 1881.

Read first time, January 7 . . . . .	72
Referred to Committee on Agriculture, January 7 . . . . .	72
Reported back, recommending passage, January 26 . . . . .	329
Report of committee concurred in, February 18 . . . . .	630
Read second time and ordered engrossed, February 18 . . . . .	630
Motion of Senator Johnson to reconsider engrossment, February 21 . . . . .	639
Read third time, amended, and failed to pass, February 24 . . . . .	696

## No. 35. BY SENATOR HOWARD OF ST. JOSEPH, January 12, 1887—

A bill for an act to amend section sixty-two (62) of an act entitled "an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852, the same being section one thousand four hundred and ninety-three (1493) of the Revised Statutes of 1881.

Read first time, January 12 . . . . .	98
Referred to Committee on Judiciary, January 12 . . . . .	98
Reported back, recommending passage, January 25 . . . . .	321
Report of committee concurred in, February 17 . . . . .	605
Read second time, February 17 . . . . .	605
Amended and ordered engrossed . . . . .	605
Read third time, February 28 . . . . .	819
Passed, February 28 . . . . .	819
House refused to receive, March 1 . . . . .	832

## No. 36. BY SENATOR BARRETT, January 12, 1887—

An act to authorize cities and towns to cancel indebtedness.

Read first time, January 12 . . . . .	99
Referred to Committee on Cities and Towns, January 12 . . . . .	99
Withdrawn and referred to Committee on Judiciary, January 17 . . . . .	138
Reported back to lie upon the table, January 25 . . . . .	321



**No. 37. BY SENATOR DAVIS, January 12, 1887—**

A bill for an act to amend section twenty-nine (29) of an act entitled an act to provide for the incorporation of railroad companies, approved May 11, 1852, section 3925, Revised Statutes.

	Page.
Read first time, January 12 . . . . .	99
Referred to Committee on Cities and Towns, January 12 . . . . .	99
Reported back, recommending passage, January 22 . . . . .	252
Taken up and referred to Committee on Judiciary, January 26 . . . . .	336
Report back, to be indefinitely postponed, February 23 . . . . .	810

**No. 38. BY SENATOR DRESSER, January 12, 1887—**

An act to provide for the incorporation of orphan asylums and for indigent females.

Read first time, January 12 . . . . .	99
Referred to Committee on Judiciary, January 12 . . . . .	99
Reported back to be indefinitely postponed, February 10 . . . . .	500
Report of Committee concurred in, February 18 . . . . .	633
Read second time and ordered engrossed, February 18 . . . . .	633

**No. 39. BY SENATOR FOWLER, January 12, 1887—**

An act to amend section 2 of an act entitled "an act in relation to county auditors," approved March 31, 1852, the same being section 5894 of the Revised Statutes.

Read first time, January 12 . . . . .	99
Referred to Committee on Judiciary, January 12 . . . . .	99
Reported back, amended, recommending passage, January 25 . . . . .	321
Report of committee concurred in, February 8 . . . . .	487
Read second time and considered engrossed, February 8 . . . . .	487
Constitutional rules suspended, read third time by sections, and passed, February 8 . . . . .	487, 495
In House.	

**No. 40. BY SENATOR HALE, January 12, 1887—**

An act to provide for the control and management of the Indiana State Library.

Read first time, January 12 . . . . .	99
Referred to Committee on Education . . . . .	99
Reported back, January 22, recommending reference to Joint standing Committee on Public Library . . . . .	255
Report concurred in, January 22 . . . . .	255

**No. 41. BY SENATOR HARNESS, January 12, 1887—**

An act to amend section 2484 of the Revised Statutes.

Read first time, January 12 . . . . .	99
Referred to Committee on Judiciary, January 12 . . . . .	99

**No. 42. BY SENATOR HUSTON, January 12, 1887—**

An act to amend section two hundred and one of an act entitled "An act concerning public offenses and their punishment," approved April 14, 1881, being section 2109 of the Revised Statutes of 1881; also, to amend section one of an act entitled "An act to amend section two hundred of an act entitled an act concerning public offenses, and their punishment, approved April 14, 1881, the same being numbered section 2106 of the Revised Statutes of 1881, and declaring an emergency," approved March 25, 1885, and declaring an emergency.

Read first time, January 12 . . . . .	100
Referred to Committee on Federal Relations, January 12 . . . . .	100
Reported back, recommending reference to Committee on Agriculture, January 26 . . . . .	828
Reported back, recommending amendment and passage, February 10 . . . . .	513
Report of committee concurred in, February 17 . . . . .	612
Read second time, February 17 . . . . .	613
Amended and ordered engrossed, February 17 . . . . .	613

## No. 43. BY SENATOR BAILEY, January 12, 1887—

An act to amend section 5206 of the Revised Statutes, concerning the pay of laboring men.	Page.
Read first time, January 12 . . . . .	100
Referred to Committee on Labor, January 12 . . . . .	100

## No. 44. BY SENATOR MACY, January 12, 1887—

A bill for an act to enable joint suits to be maintained upon several bonds of public officers and other persons.	
Read first time, January 12 . . . . .	100
Referred to Committee on Judiciary, January 12 . . . . .	100
Reported back, recommending passage, January 25 . . . . .	322
Report concurred in, and read second time, February 10 . . . . .	529
Read third time, February 16 . . . . .	583
Passed, February 16 . . . . .	583
Title referred to Committee on Phraseology . . . . .	583
Report of Committee on Phraseology . . . . .	591
In House.	

## No. 45. BY SENATOR MOON, January 12, 1887—

An act to legalize the incorporation of the town of Pierceton, Kosciusko County, Indiana, and to legalize each and every official act of the several Boards of Trustees of said corporation, and all other acts of each and every officer of the same, and declaring an emergency.	
Read first time, January 12 . . . . .	100
Referred to Committee on Cities and Towns, January 12 . . . . .	100
Reported back, recommending substitute, January 22 . . . . .	252
Report of committee concurred in, February 18 . . . . .	625
Read second time, February 18 . . . . .	625
Constitutional rules suspended, considered engrossed, read third time by sections and passed, February 18 . . . . .	626
Governor transmits to Senate for signature of its officers, March 5 . . . . .	933
Speaker of House defies official request of Governor, March 5 . . . . .	936
Report of Joint Committee on Enrolled Bills . . . . .	941, 961
Signed by President of Senate, March 5 . . . . .	944
Signed by Governor, March 7 . . . . .	963

## No. 46. BY SENATOR PETERSON, January 12, 1887—

An act to amend sections 5104 and 5106 of the Revised Statutes, concerning turnpike roads.	
Read first time, January 12 . . . . .	101
Referred to Committee on Roads, January 12 . . . . .	101
Reported back, recommending indefinite postponement, February 3 . . . . .	438

## No. 47. BY SENATOR RAHM, January 12, 1887—

A bill for an act providing for the completion, equipment and furnishing of the three additional Hospitals for the Insane, and declaring an emergency.	
Read first time, January 12 . . . . .	101
Referred to Committee on Public Buildings, January 12 . . . . .	101
Reported back recommending passage, February 23 . . . . .	677
Report of Committee concurred in, February 24 . . . . .	698
Read second time, February 24 . . . . .	698
Ordered engrossed, February 24 . . . . .	698
Read third time, February 25 . . . . .	780
Passed, February 25 . . . . .	780
Title referred to Committee on Phraseology . . . . .	781
Report of Committee on Phraseology . . . . .	786
House refused to receive, February 28 . . . . .	817

## No. 48. BY SENATOR SCHLOSS, January 12, 1887—

An act prescribing the powers and duties of Coroners, and repealing all laws in conflict therewith.	Page.
Read first time, January 12 . . . . .	101
Referred to Committee on Judiciary, January 12 . . . . .	101
Reported back, amended, recommending passage, March 2 . . . . .	843

## No. 49. BY SENATOR SEARS, January 12, 1887—

A bill to amend sections 5860 and 5869 of the Revised Statutes of 1881, in relation to surveys.	
Read first time, January 12 . . . . .	101
Referred to Committee on Mines and Mining, January 12 . . . . .	101
Reported back, recommending passage, February 10. . . . .	518
Read second time, February 18 . . . . .	630
Recommitted to Committee on Mines and Mining, February 18 . . . . .	630

## No. 50. BY SENATOR SMITH OF WELLS, January 12, 1887—

A bill to amend section 2083 of Revised Statutes of 1881, concerning public offenses.	
Read first time, January 12 . . . . .	101
Referred to Committee on Temperance. . . . .	101
Reported back, recommending indefinite postponement, February 3 . . . . .	441

## No. 51. BY SENATOR THOMPSON OF JASPER, January 12, 1887—

A bill to amend the act prescribing duties of telegraph companies.	
Read first time, January 12 . . . . .	102
Referred to Committee on Judiciary, January 12 . . . . .	102
Reported back to be indefinitely postponed, February 17 . . . . .	608

## No. 52. BY SENATOR TRIPPETT, January 12, 1887—

A bill to legalize the acts of the Board of Trustees of the town of Huntingburg.	
Read first time, January 12 . . . . .	102
Referred to Committee on Cities and Towns, January 12. . . . .	102
Reported back recommending passage, January 15. . . . .	129
Rules suspended, bill considered engrossed, read second time by title, and third time by sections, and passed, January 15. . . . .	131
Passed by House, January 26 . . . . .	336
Report of Committee on Enrolled Bills, January 26 . . . . .	345
Signed by Speaker of House, January 26 . . . . .	345
Report of Joint Committee on Enrolled Bills, January 27 . . . . .	346 and 830
Signed by President of Senate . . . . .	830
Signed by Governor, January 27. . . . .	353

## No. 53. BY SENATOR URMSTON, (by request), January 12, 1887—

An act to legalize the records and actions of the Board of Commissioners of Ripley County, Indiana, in relation to the construction of the Versailles and Dillsborough Free Gravel Road; to legalize the assessment made against certain real estate for the construction thereof; to legalize the bonds issued by the said Board in aid of the construction of said road; to legalize all acts in relation to said road, and declare an emergency.	
Read first time, January 12 . . . . .	102
Referred to Committee on County and Township Business, January 12 . . . . .	102
Reported back, recommending passage, January 14 . . . . .	120, 237
Read second time and ordered printed, January 14. . . . .	120
Report of committee concurred in and ordered engrossed, January 21 . . . . .	230
Read third time and passed, January 26 . . . . .	333, 334
In House.	

**No. 54. BY SENATOR WINTER, January 12, 1887—**

**An act authorizing railroad corporations not organized under the laws of this State to accept the provisions of the act of May 11, 1852, concerning the condemnation of rights of way.**

Acts of way.	Page.
Read first time, January 13	102
Referred to Committee on Judiciary, January 12	102
Reported back, recommending passage, January 14	124
Record concurred in, read second time and ordered engrossed	124
Read third time and passed	134
In House.	

**No. 55. BY SENATOR ZIMMERMAN, January 12, 1887—**

An act to provide for compiling, copyrighting, printing, binding and distributing a State series of school text-books, defining the duties of the officers therein named with reference thereto, making appropriations therefor, repealing all conflicting laws, and declaring an emergency.

Read first time, January 12	102
Referred to Committee on Education, January 12	102
Reported back, February 10 { Majority recommend indefinite postponement .	507
{ Minority, amendment and passage	508
100 copies of bill and reports, ordered printed	509
Read second time, February 18	631
Postponed	631
Minority report adopted, February 26	801
Ordered engrossed, February 26	802
Read third time, March 1	836
Failed to pass, March 1	836

No. 56. BY SENATOR BAILEY, January 12, 1887—

**An act to regulate the business of banking under the laws of this State.**

Read first time, January 12	102
Referred to Committee on Banks, January 12	102
Reported back, recommending substitute, February 3	445
Read second time, February 18	631
Recommitted to Committee on Banks and Banking, February 18	631
Reported back substitute, March 2	839

**No. 57. BY SENATOR BARRETT, January 12, 1887—**

**A bill for an act prohibiting the obstruction of ditches or drains, providing a method of keeping them in repair, and providing a penalty for the violation thereof.**

Read first time, January 12 . . . . .	103
Referred to Committee on Dykes and Drains, January 12 . . . . .	108
Reported back, recommending passage, February 10 . . . . .	516
400 copies ordered printed . . . . .	518
Report of committee concurred in, February 18 . . . . .	631
Read second time, amended and ordered engrossed, February 18 . . . . .	631, 632
Amended and read third time, February 25 . . . . .	792
Amended and passed, March 1 . . . . .	827
Title referred to Committee on Phraseology . . . . .	827
Report of Committee on Phraseology . . . . .	828
House refused to receive, March 3 . . . . .	870

No. 68. BY SENATOR FOWLER, January 12, 1887—

**An act to prohibit County Auditors from drawing their warrants on County Treasurers in violation of law, and prescribing punishment for the violation thereof.**

Read first time, January 12	105
Referred to Committee on Judiciary, January 12.	105
Reported back, recommending substitute, February 10	501
Read second time	
Read third time, February 25	779
Passed, February 25	779
House refused to receive, February 25.	787

## No. 59. BY SENATOR MACY, January 12, 1887—

A bill for an act to amend section 1 of an act entitled "An act relating to county, State and other officers, and the payment by them to their successors in office of all money in their hands at the expiration of their terms of office, and providing penalties for failure to do so," approved March 5, 1883.

	Page.
Read first time, January 12 . . . . .	105
Referred to Committee on Judiciary, January 12 . . . . .	105
Reported back, recommending passage, February 12 . . . . .	548
Report of committee concurred in, February 18 . . . . .	633
Read second time and ordered engrossed, February 18 . . . . .	633

## No. 60. BY SENATOR PETERSON, January 12, 1887—

A bill for an act to provide for the Superintendency of the work of repairs on the several free turnpike roads in the various counties in the State of Indiana.

Read first time, January 12 . . . . .	105
Referred to Committee on Roads, January 12 . . . . .	105
Reported back, recommending passage, January 29 . . . . .	385
Report of committee concurred in, February 18 . . . . .	633
Read second time and ordered engrossed, February 18 . . . . .	633
Read third time, March 1 . . . . .	632
Failed to pass, March 1 . . . . .	632
Passed, March 4 . . . . .	924
House refused to receive, March 7 . . . . .	922

## No. 61. BY SENATOR RAHM, January 12, 1887—

A bill for an act providing for the support of the three additional hospitals for insane, including clothing, repairs and minor improvements, and declaring an emergency.

Read first time, January 12 . . . . .	105
Referred to Committee on Benevolent Institutions, January 12 . . . . .	105
Reported back, recommending passage, January 21 . . . . .	223
Report of committee concurred in, February 23 . . . . .	606
Read second time, February 23 . . . . .	606
Ordered engrossed, February 23 . . . . .	606
Read third time, February 24 . . . . .	605
Passed, February 24 . . . . .	605
Motion to reconsider, February 24 . . . . .	770
Motion to reconsider, March 2 . . . . .	852
Vote on passage reconsidered, March 3 . . . . .	859
Order of engrossment reconsidered, March 3 . . . . .	859
Referred to special committee, March 3 . . . . .	859
Report of committee, amending and recommending passage . . . . .	865
Report of committee concurred in, March 3 . . . . .	865
Considered engrossed, March 3 . . . . .	865
Read third time, March 5 . . . . .	924
Passed, March 5 . . . . .	925
House refused to receive, March 7 . . . . .	922

## No. 62. BY SENATOR SCHLOSS, January 12, 1887—

A bill providing for the appointment of a State Boiler Inspector.

Read first time, January 12 . . . . .	105
Referred to Committee on Labor, January 12 . . . . .	105

## No. 63. BY SENATOR SHROYER, January 12, 1887—

A bill for an act to repeal section 80 of an act entitled "An act concerning public offenses," approved April 14, 1881, and being section 1963 of the Revised Statutes of 1881.

Read first time, January 12 . . . . .	105
Referred to Committee on Judiciary, January 12 . . . . .	105
Reported back, amended, recommending passage, February 4 . . . . .	473
Read second time, February 24 . . . . .	606
Laid on table, February 24 . . . . .	606

**No. 64. BY SENATOR THOMPSON OF JASPER, January 12, 1887—**

**A bill for an act to amend sections 9 and 17 of an act entitled an act concerning highways and supervisors, approved March 2, 1883.** Page.

Read first time, January 12 . . . . .	106
Referred to Committee on Roads, January 12 . . . . .	106
Reported back, recommending passage, January 25 . . . . .	323
Read second time, February 24 . . . . .	696
Laid on table, February 24 . . . . .	698

**No. 65. BY SENATOR THARP, January 12, 1887—**

**An act to amend section 1 of an act concerning the payment of employer by corporations, etc.**

Read first time, January 12 . . . . .	106
Referred to Committee on Corporations, January 12 . . . . .	106
Reported back, to be indefinitely postponed, February 11 . . . . .	538

**No. 66. BY SENATOR ZIMMERMAN, January 12, 1887—**

**An act for the more effectual protection of insurers in fire insurance companies, requiring the payment of the full amount insured in case of loss.**

Read first time, January 12 . . . . .	106
Referred to Committee on Insurance, January 12 . . . . .	106
Reported back, to be indefinitely postponed, February 11 . . . . .	542

**No. 67. BY SENATOR BAILEY, January 13, 1887—**

**A bill for an act fixing compensation of certain county and township officers.**

Read first time, January 13 . . . . .	110
Referred to Committee on County and Township Business, January 13 . . . . .	110
Reported back, February 3 { Majority, amended and recommending passage . . . . .	442
Minority, recommending that it lie on the table . . . . .	442
Majority concurred in, February 11. . . . .	541
Read second time, February 17 . . . . .	613
Amended and ordered engrossed . . . . .	616

**No. 68. BY SENATOR BARRETT, January 13, 1887—**

**A bill for an act to maintain political purity, and prescribing the punishment for any violation thereof.**

Read first time, January 13 . . . . .	111
Referred to Committee on Judiciary, January 13 . . . . .	111
Reported back, amended, recommending passage, February 4. . . . .	474
Read second time, February 10 . . . . .	529
Referred to special committee and made special order. . . . .	529
Reported back substitute, February 14 . . . . .	557
Report concurred in and 100 copies ordered printed . . . . .	563
Substitute read second time and ordered engrossed, February 18 . . . . .	629
Read third time, February 23 . . . . .	691
Amended and passed, February 23 . . . . .	692
Title referred to Committee on Phraseology . . . . .	692
Report of Committee on Phraseology . . . . .	767
In House.	

**No. 69. BY SENATOR CAMPBELL, January 13, 1887—**

**An act to fix the order of payment of the debts of decedents insolvent.**

Read first time, January 13 . . . . .	111
Referred to Committee on Judiciary, January 13 . . . . .	111
Reported back, to be indefinitely postponed, February 23 . . . . .	807, 808

**No. 70. BY SENATOR DAVIS, January 13, 1887—**

A bill for an act to amend an act amendatory of the sixth section of an act entitled an act to authorise and limit allowances by courts and boards, and drafts upon county treasuries, approved May 27, 1832, and to authorise allowances to poor persons in certain cases, approved February 7, 1833, being section 1417, Revised Statutes of 1881. Page.

Read first time, January 13 . . . . .	111
Referred to Committee on Judiciary, January 13 . . . . .	111
Reported back, amended, recommending passage, February 4 . . . . .	473
Read second time, February 24 . . . . .	696
Laid on table, February 24 . . . . .	696

**No. 71. BY SENATOR DRESSER, January 13, 1887—**

A bill for an act regulatng travel on free turnpike, gravel and macadamized roads, and providing penalties for the violation of this act.

Read first time, January 13 . . . . .	111
Referred to Committee on Roads, January 13 . . . . .	111
Reported back, recommending passage, January 29 . . . . .	336
Read second time, February 24 . . . . .	696
Laid on table, February 24 . . . . .	696

**No. 72. BY SENATOR GRIFFITH, January 13, 1887—**

A bill to change the time of holding courts in the Fifth Judicial Circuit.

Read first time, January 13 . . . . .	111
Rules suspended, read first and second times by title, third time by sections, and passed . . . . .	113
Passed by House, January 17 . . . . .	136
Report on engrossed bill by Committee on Organization Courts . . . . .	237
Report of Committee on Enrolled Bills . . . . .	325
Signed by Speaker of House, January 26 . . . . .	339
Report of Joint Committee on Enrolled Bills, January 26 . . . . .	343 and 839
Signed by President of Senate . . . . .	830
Signed by Governor, January 27 . . . . .	347

**No. 73. BY SENATOR JOHNSON, January 13, 1887—**

An act to encourage the breeding of improved stock, giving the owners of sires a lien upon their "got," providing for the recording and enforcement of such liens, and affixing penalties for the violation of this act, and declaring an emergency.

Read first time, January 13 . . . . .	113
Referred to Committee on Agriculture, January 13 . . . . .	113
Reported back, recommending passage, January 26 . . . . .	326
Read second time, February 24 . . . . .	708
Laid on table, February 24 . . . . .	708

**No. 74. BY SENATOR HOWARD OF DECATUR, January 13, 1887—**

A bill for the protection of fish.

Read first time, January 13 . . . . .	113
Referred to Committee on Federal Relations, January 13 . . . . .	113
Reported back recommending that it do not pass, January 25 . . . . .	319

**No. 75. BY SENATOR LOGSDON, January 13, 1887—**

An act for the relief of Russelas Jones, refunding to him the purchase money and interest thereon paid for certain real estate sold as University lands by the State, when the title was in one William L. Barker and his successors.

Read first time, January 13 . . . . .	113
Referred to Committee on Claims, January 13 . . . . .	113
Reported back, recommending passage, and that it be referred to Committee on Finance to put in specific appropriation bill, January 25 . . . . .	325

No. 76—Continued.	Page.
Reported back from Committee on Finance, recommending amendment and passage, February 3. . . . .	434
Report of Committee concurred in, February 17 . . . . .	611
Read second time and ordered engrossed, February 17 . . . . .	611
Read third time, February 18 . . . . .	624
Passed, February 18 . . . . .	625
Title referred to Committee on Phraseology . . . . .	625
Report of Committee on Phraseology . . . . .	629
Governor transmits to Senate for signature of its officers, March 5 . . . . .	933
Speaker of House defies official request of Governor, March 5 . . . . .	936
Report of Joint Committee on Enrolled Bills . . . . .	941, 961
Signed by President of Senate, March 5 . . . . .	943
Signed by Governor, March 7 . . . . .	963

No. 76. BY SENATOR SHROYER, January 13, 1887—

A bill for an act authorizing the purchase of ten acres of land for the use of the Hospital for Insane, near Loganport, in Cass County, and declaring an emergency.

Read first time, January 13 . . . . .	113
Referred to Committee on Benevolent Institutions, January 13 . . . . .	113
Reported back, recommending passage, January 21 . . . . .	223
Report of committee concurred in, February 21 . . . . .	767
Read second time, February 24 . . . . .	767
Ordered engrossed, February 24 . . . . .	767
Read third time, March 4 . . . . .	931
Failed to pass, March 4 . . . . .	931

No. 77. BY SENATOR THOMPSON, OF JASPER, January 13, 1887—

A bill for an act in relation to lands in Newton county, Indiana, included within the meander line of Beaver Lake, as established by the United States survey, and in relation to the title to said lands and the sale of the State's title to said lands.

Read first time, January 13 . . . . .	113
Referred to Committee on Swamp Lands, January 13 . . . . .	113
200 copies ordered printed, January 22 . . . . .	256
Reported back, recommending passage, January 24 . . . . .	266
Made a special order. . . . .	453
Reported back, amended, recommending passage, February 4. . . . .	472
Made special order. . . . .	490
Postponed . . . . .	500
Read second time, February 15 . . . . .	569
Recommitted, as amended, with instructions, to Committee on Swamp Lands, February 16. . . . .	576
Report of committee, February 25. . . . .	776

No. 78. BY SENATOR ZIMMERMAN, January 13, 1887—

A bill for the protection of hares and rabbits from ferrets.

Read first time, January 13 . . . . .	113
Referred to Committee on Agriculture, January 13. . . . .	113
Reported back, recommending indefinite postponement, January 26 . . . . .	329

No. 79. BY SENATOR FOWLER, January 13, 1887—

A Bill to regulate transportation of passengers and freight by railroads, and the appointment of a Railroad Commissioner.

Read first time, January 13 . . . . .	113
Referred to Committee on Railroads, January 13. . . . .	113



**No. 80. BY SENATOR BAILEY, January 13, 1887—**

A bill to prohibit the manufacture or sale of oleomargarine or any other compound in imitation of butter or cheese, and repealing all laws and parts of laws in conflict therewith, and declaring an emergency.		Page.
Read first time, January 13	114	
Referred to Committee on Public Health, January 13	114	
Reported back, recommending passage, January 26	329	
Re-committed to Committee on Public Health, January 31	396	

**No. 81. BY SENATOR DRESSER, January 13, 1887—**

An act to repeal section 5642 of the Revised Statutes, 1881.

Read first time, January 13	114
Referred to Committee on Judiciary, January 13	114
Reported back to be indefinitely postponed, February 4	473

**No. 82. BY SENATOR FOWLER, January 13, 1887—**

An act to prevent exorbitant freight charges by railroads.

Read first time, January 13	114
Referred to Committee on Railroads, January 13	114

**No. 83. BY SENATOR GRIFFITH, January 13, 1887—**

A bill for an act to amend section 8 of an act entitled an act to amend an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865, and adding supplemental sections thereto, approved March 8, 1873, being section 4369 of the Revised Statutes of 1881, and declaring an emergency for the immediate taking effect of this act.

Read first time, January 13	114
Referred to Committee on Education, January 13	114
Reported back, recommending passage, January 25	318
Report of committee concurred in, February 24	767
Read second time, February 24	767
Ordered engrossed, February 24	767

**No. 84. BY SENATOR McDONALD OF WHITLEY, January 13, 1887—**

An act to amend section thirty-five (35) of an act entitled "An act to concerning proceedings in civil cases," approved April 7, 1881. the same being numbered 312 of the Revised Statutes of 1881.

Read first time, January 13	115
Referred to Committee on Judiciary, January 13	115
Reported back, recommending passage, January 25	322
Report of committee concurred in, February 24	766
Read second time, February 24	768
Ordered engrossed, February 24	768
Read third time, February 25	789
Amended and passed, February 25	790
House refused to receive, February 28	816

**No. 85. BY SENATOR BAILEY, January 13, 1887—**

An act to amend section 8 of an act to enable incorporated towns to lay out, open, grade, and improve streets and alleys, and make public improvements therein, and to make surveys and adopt plats where the same have been lost or destroyed, and prescribing the duties of the Board of Trustees, and providing for the mode of working and improving streets and alleys, approved April 27, 1869, being section 3364 of the Revised Statutes of 1881, and declaring an emergency.

Read first time, January 13	115
Referred to Committee on Cities and Towns, January 13	115
Reported back, amended, recommending passage, January 20	216
Report of committee concurred in, February 24	768
Read second time and ordered engrossed, February 24	769

## No. 86. BY SENATOR THOMPSON OF JASPER, January 13, 1887—

<b>A bill to amend sections 412 and 413 of the Revised Statutes of 1881.</b>	<b>Page.</b>
Read first time, January 13 . . . . .	116
Referred to Committee on Judiciary, January 13 . . . . .	116
Reported back to be indefinitely postponed, February 4 . . . . .	474

No. 87. BY SENATOR ZIMMERMAN, January 13, 1887—

<b>An act to prevent fraud in listing property for taxation.</b>	
Read first time, January 13 . . . . .	116
Referred to Committee on Railroads, January 18 . . . . .	116
Reported back, to be indefinitely postponed, February 23 . . . . .	471

No. 88. BY SENATOR SELLERS, January 13, 1887—

An act to amend section 9 of an act entitled "An act to amend an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865, and adding supplemental sections thereto, approved March 8, 1873," being section 4520 of the Revised Statutes of 1881, and declaring an emergency.

Read first time, January 14	123
Referred to Committee on Education, January 14	123
Reported back, recommending passage, January 25	318
Report of committee concurred in, February 8	498
Read second time and ordered engrossed, February 8	498
Read third time and referred to special committee, February 9	493
Report of special committee concurred in and bill passed, February 9	494
In House.	

No. 89. BY SENATOR BRYANT, January 14, 1887—

**A bill to protect the people of Indiana from the sale of poisons, and to regulate the sale of drugs and medicines.**

Read first time, January 14 . . . . .	123
Referred to Committee on Public Health, January 14 . . . . .	123
Reported back, amended, recommending passage, January 28 . . . . .	329
Report concurred in, read second time, January 31 . . . . .	401
Amended . . . . .	401-405
Ordered engrossed and 200 copies printed, January 31 . . . . .	404, 405
Read third time and passed, February 9 . . . . .	494
Title referred to Committee on Phraseology . . . . .	495
Report of Committee on Phraseology . . . . .	498
In House.	

**No. 90. BY SENATOR COX, January 14, 1887—**

An act to amend section 39 of an act entitled an act concerning the duties of County Superintendent, approved March 8, 1873, the same being section 4429 of the Revised Statutes of 1881.

Read first time, January 14 . . . . .	123
Referred to Committee on Judiciary, January 14 . . . . .	123
Reported back, February 10 { majority, to be indefinitely postponed . . . . .	500
{ minority, to pass . . . . .	
Read second time, February 24 . . . . .	768
Minority report adopted, February 24 . . . . .	768
Ordered engrossed, February 24 . . . . .	768
Read third time, February 28 . . . . .	814
Failed to pass, February 28 . . . . .	815
Recommitted to select committee, with instructions, March 3 . . . . .	872
Reported back, amended and report concurred in, March 3 . . . . .	872
Failed to pass, March 3 . . . . .	873

**No. 91. BY SENATOR JOHNSON, January 14, 1887—**

An act to amend section one of an act entitled "An act to amend section 34 (being section 4425 of the Revised Statutes of 1881) of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865, approved March 6, 1883.

	Page.
Read first time, January 14 . . . . .	126
Referred to Committee on Education, January 14 . . . . .	126
Reported back, recommending passage, January 29 . . . . .	389
Read second time, February 24 . . . . .	768
Laid on the table, February 24 . . . . .	768

**No. 92. BY SENATOR MARSHALL, January 14, 1887—**

A bill for an act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic in this State.

Read first time, January 14 . . . . .	126
Referred to Committee on Federal Relations, January 14 . . . . .	126
Reported back, recommended to pass, January 18 . . . . .	191
Report concurred in, February 24 . . . . .	768
Read second time, February 24 . . . . .	768
Ordered engrossed, February 24 . . . . .	768

**No. 93. BY SENATOR DEMOTTE, January 14, 1887—**

An act to amend section 4369 of the Revised Statutes of 1881.

Read first time, January 14 . . . . .	126
Referred to Committee on Education, January 14 . . . . .	126
Reported back to lie on the table, January 25 . . . . .	319

**No. 94. BY SENATOR SEARS, January 15, 1887—**

An act to amend section 2 of an act to amend sections 13 and 14 of section 1442, Revised Statutes of 1881.

Read first time, January 15 . . . . .	127
Referred to Committee on Judiciary, January 15 . . . . .	127
Reported back to be indefinitely postponed, February 10 . . . . .	508

**No. 95. BY SENATOR MULLINIX, January 15, 1887—**

An act relating to proceedings in civil causes.

Read first time, January 15 . . . . .	127
Referred to Committee on Judiciary, January 15 . . . . .	127
Reported back to be indefinitely postponed, February 10 . . . . .	508

**No. 96. BY SENATOR BARRETT, January 15, 1887—**

An act donating money to erect a monument to the memory of the late ex-Governor Samuel Bigger at Fort Wayne, Indiana.

Read first time, January 15 . . . . .	130
Referred to Committee on Finance, January 15 . . . . .	130
Reported back, amended, recommending passage, March 1 . . . . .	829

**No. 97. BY SENATOR DAVIS, January 15, 1887—**

A bill for an act in relation to the jurisdiction of Justices of the Peace and regulating appeals therefrom, and repealing laws in conflict therewith.

Read first time, January 15 . . . . .	130
Referred to Committee on County and Township Business, January 15 . . . . .	130
Reported back, amended, recommending passage, January 25 . . . . .	316
Read second time, February 24 . . . . .	768
Laid on table, February 24 . . . . .	768

**No. 98. BY SENATOR DEMOTTE, January 15, 1887—**

<b>An act to prohibit the growing of hedges more than four feet high.</b>	<b>Page.</b>
Read first time, January 15 . . . . .	130
Referred to Committee on Roads, January 15 . . . . .	130
Reported back, to be indefinitely postponed, January 25 . . . . .	323

**No. 99. BY SENATOR DUNCAN OF BROWN, January 15, 1887—**

<b>An act to regulate and establish the rates of tolls on plank, macadamized and gravel roads and turnpikes.</b>	
Read first time, January 15 . . . . .	130
Referred to Committee on Roads, January 15 . . . . .	130
Reported back, recommending passage, February 3 . . . . .	438
Made a special order . . . . .	453
Read second time, February 12 . . . . .	543
Made a special order . . . . .	544
Report of committee concurred in, February 24 . . . . .	770
Ordered engrossed, February 24 . . . . .	770

**No. 100. BY SENATOR FOWLER, January 15, 1887—**

<b>An act to amend section 638 of the Revised Statutes 1881.</b>	
Read first time, January 15 . . . . .	131
Referred to Committee on Judiciary, January 15 . . . . .	131
Reported back to be indefinitely postponed, February 10. . . . .	508

**No. 101. BY SENATOR JOHNSON, January 15, 1887—**

<b>An act defining certain felonies.</b>	
Read first time, January 15 . . . . .	131
Referred to Committee on Judiciary, January 15 . . . . .	131
Reported back, recommending indefinite postponement, February 3 . . . . .	437

**No. 102. BY SENATOR LOGSDON, January 15, 1887—**

<b>An act to legalize the election, qualification and official acts of the officers of the town of Rockport, Spencer County, Indiana, and declaring an emergency.</b>	
Read first time, January 15 . . . . .	131
Referred to Committee on Judiciary, January 15. . . . .	131
Reported back, recommending passage, February 10. . . . .	503
Report of committee concurred in, February 21 . . . . .	646
Read second time, February 21 . . . . .	646
Constitutional rules suspended, considered engrossed, read third time by sections, and passed, February 21 . . . . .	646, 647
Governor transmits to Senate for signatures of its officers, March 5 . . . . .	933
Speaker of House defies official request of Governor, March 5 . . . . .	936
Report of Joint Committee on Enrolled Bills . . . . .	941 and 961
Signed by President of Senate, March 5. . . . .	943
Signed by Governor, March 7 . . . . .	963

**No. 103. BY SENATOR MACY, January 15, 1887—**

<b>A bill for an act to amend sections one (1) and seven (7) of an act entitled an act providing for the election, and prescribing certain duties of the Clerk of the Supreme Court, approved May 13, 1852, and declaring an emergency.</b>	
Read first time, January 15 . . . . .	131
Referred to Committee on Judiciary, January 15. . . . .	131
Reported back, recommending passage, January 31. . . . .	396
Read second time, February 24 . . . . .	769
Indefinitely postponed by Senate, February 24. . . . .	769

## No. 104. BY SENATOR SHROYER, January 15, 1887—

An act to amend an act entitled "an act to incorporate The Mutual Life Insurance and Trust Company, approved February 15, 1839."

Page.

Read first time, January 15 . . . . .	131
Referred to Committee on Corporations, January 15 . . . . .	131
Reported back, recommending passage, January 29 . . . . .	357
Read second time, February 24 . . . . .	770
Indefinitely postponed, February 24, by Senate, 771 . . . . .	771

## No. 105. BY SENATOR SMITH OF WELLS, January 15, 1887—

A bill for an act allowing compromise of certain delinquent taxes.

Read first time, January 15 . . . . .	131
Referred to Committee on Judiciary, January 15 . . . . .	131
Reported back to be indefinitely postponed, February 10 . . . . .	503

## No. 106. BY SENATOR THOMPSON OF JASPER, January 15, 1887—

A bill for an act to amend section 1781 of the Revised Statutes of 1881.

Read first time, January 15 . . . . .	132
Referred to Committee on Judiciary, January 15 . . . . .	132
Reported back, to be indefinitely postponed, February 4 . . . . .	474

## No. 107. BY SENATOR URMSTON, January 15, 1887—

A bill for an act to regulate the heating of railway passenger cars, and prescribing a penalty.

Read first time, January 15 . . . . .	132
Referred to Committee on Railroads, January 15 . . . . .	132
Motion that committee report . . . . .	520
Reported back, amended, recommending passage, February 23 . . . . .	671
Report of committee concurred in, February 24 . . . . .	771
Read second time, February 24 . . . . .	771
Ordered engrossed . . . . .	771

## No. 108. BY SENATOR McDONALD OF WHITLEY, January 15, 1887—

A bill concerning school for feeble-minded children.

Read first time, January 15 . . . . .	133
Referred to Committee on Benevolent Institutions, January 15 . . . . .	133
Order of Senate that 200 copies be printed, January 21 . . . . .	224
Reported back, amended, recommending passage, January 26 . . . . .	339, 340
Taken up and read second time by sections, January 27 . . . . .	349
Taken up and Senator Harness' amendment lost, January 27 . . . . .	352
Committee's amendment and report adopted . . . . .	355
Considered engrossed, read third time and passed, January 31 . . . . .	400
Passed by House, February 18 . . . . .	630
Committee appointed to consider House amendments, February 18 . . . . .	632
Report of special committee on House amendments, February 21 . . . . .	644
Report of committee concurred in . . . . .	645
Secretary ordered to notify House . . . . .	645
Conference committee appointed on part of Senate . . . . .	645
House agrees to conference and committee named . . . . .	670
Report of conference committee, and concurrence by Senate . . . . .	673
Report of Committee on Enrolled Bills . . . . .	815
Report of Joint Committee on Enrolled Bills, March 1 . . . . .	822
Governor transmits to Senate for signature of its officers, March 5 . . . . .	823
Speaker of House defies official request of Governor, March 5 . . . . .	826
Report of Joint Committee on Enrolled Bills . . . . .	941, 961
Signed by President of Senate, March 5 . . . . .	943
Signed by Governor, March 7 . . . . .	963

No. 109. BY SENATOR BARRETT, January 17, 1887—

**A bill to amend the act concerning taxation.**

	Page.
to amend the act concerning taxation.	
Read first time, January 17 . . . . .	136
Referred to Committee on Judiciary, January 17 . . . . .	136
Reported back, recommending indefinite postponement, February 3 . . . . .	437

**No. 110. BY SENATOR DUNCAN OF BROWN, J anuary 17, 1887—**

**A bill to amend the act concerning the calling together and the duties of the Grand Jury.**

Read first time, January 17 . . . . .	136
Referred to Committee on Judiciary, January 17 . . . . .	138
Reported back, to be indefinitely postponed, February 10 . . . . .	502

**No. 111. BY SENATOR ENSLEY, January 17, 1897—**

**A bill for an act to amend section 3 of an act to regulate the taking up of animals that run at large.**

Read first time, January 17 . . . . .	136
Referred to Committee on County and Township Business, January 17 . . . . .	136
Reported back, recommending passage, January 25 . . . . .	317
Report of committee concurred in, February 8 . . . . .	480
Referred to a special committee . . . . .	480
Report of special committee amending . . . . .	483
Rules suspended, read second time by title, considered engrossed, read third time by sections and passed, February 8 . . . . .	483, 484
Referred to Committee on Phraseology . . . . .	484
Report of Committee on Phraseology . . . . .	498
Governor transmits to Senate for signature of its officers, March 5 . . . . .	933
Speaker of House defies official request of Governor, March 5 . . . . .	936
Report of Joint Committee on Enrolled Bills . . . . .	911, 961
Signed by President of Senate, March 5 . . . . .	958
Signed by Governor, March 7 . . . . .	963

No. 112. BY SENATOR FOWLER, January 17, 1887—

**A bill to amend certain sections of an act creating a State Normal School.**

Read first time, January 17 . . . . .	137
Referred to Committee on Judiciary, January 17 . . . . .	137
Reported back, to be indefinitely postponed, February 28 . . . . .	808

No. 113. BY SENATOR LOGSDON, January 17, 1887—

**An act prohibiting voluntary conveyances of property by a debtor in contemplation of insolvency, and with the design to prefer one or more creditors, to the exclusion, in whole or in part, of others: providing for the collection of claims against the debtor in such cases, and repealing all laws, and parts of laws, in conflict therewith.**

Read first time, January 17	187
Referred to Committee on Judiciary, January 17	137
Reported back, February 11	530
{ Majority recommending indefinite postponement	540
{ Minority recommending passage	540
Read second time, February 21	771

No. 114. BY SENATOR SMITH OF WELLS, January 17, 1887—

**A bill for an act governing attorneys' fees in promissory notes and other written evidence of indebtedness.**

Read first time, January 17 . . . . .	137
Referred to Committee on Fees and Salaries, January 17 . . . . .	137
Reported back, substitute, February 10 . . . . .	506
Report of committee concurred in, February 25 . . . . .	798
Read second time, February 25 . . . . .	799
All but enacting clause stricken out, February 25 . . . . .	799
Motion to reconsider, February 25 . . . . .	799

**No. 115. BY SENATOR WINTER, January 17, 1887—**

A bill to provide for trials of causes on one issue, when two or more issues are joined in said cause.

Page.

Read first time, January 17 . . . . .	137
Referred to Committee on Judiciary, January 17 . . . . .	137
Reported back, to be indefinitely postponed, February 10 . . . . .	504

**No. 116. BY SENATOR ZIMMERMAN, January 17, 1887—**

A bill to amend an act governing proceedings in civil cases, so as to exclude certain persons from testifying.

Read first time, January 17 . . . . .	137
Referred to Committee on Judiciary, January 17 . . . . .	137
Reported back, to be indefinitely postponed, February 10 . . . . .	505

**No. 117. BY SENATOR DUNCAN OF BROWN, January 17, 1887—**

A bill concerning the trial of cases in the Circuit Court on appeal from Justices of the Peace.

Read first time, January 17 . . . . .	143
Referred to Committee on Judiciary, January 17 . . . . .	143
Reported back, to be indefinitely postponed, February 10 . . . . .	505

**No. 118. BY SENATOR FOWLER, January 17, 1887—**

An act to amend section 1 of an act entitled "An act regulating the working of coal mines, and declaring a lien upon the works and machinery for work and labor in mining coal, and for royalty on coal, and providing penalty for the violation thereof; and providing for the appointment and qualification of mine inspector, and prescribing his duties, and declaring an emergency; approved March 8, 1873, and adding supplemental sections thereto, and declaring an emergency, the same being section 5473 of the R. S. 1881. Approved March 5, 1881."

Read first time, January 17 . . . . .	143
Referred to Committee on Mines and Mining, January 17 . . . . .	143
Reported back, recommending passage, February 3 . . . . .	443

**No. 119. BY SENATOR LOGSDON, January 17, 1887—**

An act to legalize acts of notaries public whose commissions had expired or who had been ineligible to office, and declaring an emergency.

Read first time, January 17 . . . . .	143
Referred to Committee on Judiciary, January 17 . . . . .	143
Reported back, recommending passage, February 10 . . . . .	505
Report of committee concurred in, February 25 . . . . .	791
Read second time and ordered engrossed, February 25 . . . . .	791
Read third time, March 1 . . . . .	833
Passed, March 1 . . . . .	833
House refused to receive, March 2 . . . . .	854

**No. 120. BY SENATOR MACY, January 17, 1887—**

A bill for an act to prohibit railroad corporations and other persons controlling or operating railroads in this State from giving complimentary or free passes to and making certain other discriminations in favor of judicial, legislative, and certain other officers, and making it unlawful for such officers to receive such passes and discriminations, and prescribing penalties therefor.

Read first time, January 17 . . . . .	143
Referred to Committee on Federal Relations, January 17 . . . . .	143
Reported back, recommending passage, February 3 . . . . .	441

**No. 121. BY SENATOR SMITH, OF WELLS, January 17, 1887—**

A bill for an act to fix a tax upon the fees of certain county officials.

Read first time, January 17 . . . . .	143
Referred to Committee on Fees and Salaries, January 17 . . . . .	143

**No. 122. BY SENATOR DAVIS, January 17, 1887—**

**A bill for an act to provide for the opening of public highways through cemeteries and burying-grounds.** **Page.**

Read first time, January 17 . . . . .	144
Referred to Committee on County and Township Business, January 17 . . . . .	144
Reported back amended, recommending passage, January 25 . . . . .	317

**No. 123. BY SENATOR FOWLER, January 18, 1887—**

**A bill to amend section 3261 of the Revised Statutes, 1881.**

Read first time, January 18 . . . . .	191
Referred to Committee on Judiciary, January 18 . . . . .	191
Reported back, to be indefinitely postponed, February 28 . . . . .	309

**No. 124. BY SENATOR SELLERS, January 18, 1887—**

**An act concerning proceedings in civil cases.**

Read first time, January 18 . . . . .	195
Referred to Committee on Judiciary, January 18 . . . . .	195
Reported back, to be indefinitely postponed, February 17 . . . . .	606

**No. 125. BY SENATOR DAVIS, January 18, 1887—**

**An act to regulate fire insurance.**

Read first time, January 18 . . . . .	195
Referred to Committee on Insurance, January 18 . . . . .	195
Reported back, recommending indefinite postponement, February 3 . . . . .	443

**No. 126. BY SENATOR DAY, January 18, 1887—**

**A bill for an act to amend section 1 of an act entitled an act providing for a metropolitan police in all cities of twenty-nine thousand or more inhabitants, and for the appointment of a Board of Metropolitan Police Commissioners for such cities, and defining their duties, and prescribing their powers, providing for the appointment of officers, patrolmen and other members of the metropolitan police force of such cities by such Board, and the manner of paying them for their service, and providing for the abolition of existing Boards of Police and police forces in such cities, and for the abolition of the office of City Marshal in such cities, and declaring an emergency, passed March 5, 1883.**

Read first time, January 18 . . . . .	195
Referred to Committee on Cities and Towns, January 18 . . . . .	195
Reported back, majority recommending passage, February 23 . . . . .	673
Minority recommending indefinite postponement . . . . .	681
Read second time, majority report concurred in, February 26 . . . . .	795
Ordered engrossed, February 26 . . . . .	796
Order for engrossment reconsidered, February 26 . . . . .	802
Re-committed to Committee on Cities and Towns, February 26 . . . . .	802

**No. 127. BY SENATOR HARNESS, January 20, 1887—**

**An act empowering cities and towns within the State of Indiana to regulate the supply, distribution and consumption of natural gas therein, and declaring an emergency.**

Read first time, January 20 . . . . .	217
Referred to Committee on Cities and Towns, January 20 . . . . .	217
Reported back, recommending indefinite postponement, January 31 . . . . .	391
Re-referred to Committee on Cities and Towns, February 3 . . . . .	443
Reported back, February 4, recommending passage . . . . .	462
Read second time, February 21 . . . . .	643
Constitutional rules suspended, considered engrossed, read a third time by sections and passed, February 21 . . . . .	643
Governor transmits to Senate for signature of its officers, March 5 . . . . .	933
Speaker of House defies official request of Governor, March 5 . . . . .	936
Report of Joint Committee on Enrolled Bills . . . . .	941, 961
Signed by President of Senate, March 5 . . . . .	943
Signed by Governor, March 7 . . . . .	963



## No. 128. BY SENATOR BARRETT, January 20, 1887—

An act to amend section 253 of the Revised Statutes, 1881.

Page.

Read first time, January 20 . . . . .	218
Referred to Committee on Judiciary, January 20 . . . . .	218
Reported back to be indefinitely postponed, February 10 . . . . .	505

## No. 129. BY SENATOR DAVIS, January 21, 1887—

An act to exempt pension money from sale.

Read first time, January 21 . . . . .	227
Referred to Committee on Federal Relations, January 21 . . . . .	227
Reported back to be indefinitely postponed, February 10 . . . . .	515

## No. 130. BY SENATOR DUNCAN OF TIPTON, January 21, 1887—

An act concerning general system of public schools.

Read first time, January 21 . . . . .	228
Referred to Committee on Education, January 21 . . . . .	228
Reported back to be indefinitely postponed, February 26 . . . . .	795

## No. 131. BY SENATOR ENSLEY, January 21, 1887—

An act granting pensions to certain Union soldiers.

Read first time, January 21 . . . . .	228
Referred to Committee on Federal Relations, January 21 . . . . .	228
Reported back to be indefinitely postponed, February 10 . . . . .	515

## No. 132. BY SENATOR FOWLER, January 21, 1887—

An act to prevent the payment of wages in scrip, etc.

Read first time, January 21 . . . . .	228
Referred to Committee on Mines and Mining, January 21 . . . . .	228

## No. 133. BY SENATOR HARNESS, January 21, 1887—

An act to amend section 8 of an act entitled "An act concerning drainage, and repealing certain laws relating to drainage, prohibiting the obstruction of drains established under the laws of this State, prescribing the penalty therefor, and declaring an emergency," approved April 6, 1885.

Read first time, January 21 . . . . .	228
Referred to Committee on Swamp Land, January 21 . . . . .	228
Reported back, recommending passage, February 10 . . . . .	516

## No. 134. BY SENATOR HOWARD OF ST. JOSEPH, January 21, 1887—

A bill for an act to authorize the issue of graduated drainage bonds by boards of county commissioners for the payment of assessments in drainage under acts of the General Assembly, approved March 8, 1881, and March 8, 1883, and providing for the reimbursement of the several counties of this State for payment of principal and interest on said bonds, and declaring an emergency.

Read first time, January 21 . . . . .	228
Referred to Committee on Swamp Lands, January 21 . . . . .	228
Reported back, recommending passage, February 4 . . . . .	472
300 copies ordered printed . . . . .	472
Report of committee concurred in, February 25 . . . . .	768
Read second time and ordered engrossed, February 25 . . . . .	768
Read third time, March 3 . . . . .	876
Referred to committee of one, with instructions, March 3 . . . . .	876
Report of committee, amending, and report concurred in . . . . .	876
Passed, March 3 . . . . .	876, 877
House refused to receive, March 7 . . . . .	951

**No. 136. BY SENATOR JOHNSON, January 21, 1887—**

An act to amend section 1 of an act entitled an act to amend section 16 of an act entitled an act concerning real property, and the alienation thereof. Approved May 6, 1852, and March 11, 1875, the same being section 2931 of Revised Statutes of 1881. Page.

Read first time, January 21 . . . . .	229
Referred to Committee on Judiciary, January 21 . . . . .	329
Reported back, recommending passage, February 10 . . . . .	503

**No. 136. BY SENATOR PETERSON, January 21, 1887—**

A bill for an act providing for recovering illegal fees from public officers, and defining what are illegal fees; providing for attorneys' fees and cost; giving the Circuit Courts jurisdiction in all cases, and declaring an emergency.

Read first time, January 21 . . . . .	229
Referred to Committee on Fees and Salaries, January 21 . . . . .	229
Reported back, amended, recommending passage, February 3 . . . . .	442

**No. 137. BY SENATOR RAHM, January 21, 1887—**

An act to exempt certain benevolent institutions from taxation.

Read first time, January 21 . . . . .	229
Referred to Committee on Judiciary, January 21 . . . . .	229

**No. 138. BY SENATOR WINTER, January 21, 1887—**

An act to create an Appellate Court and define its jurisdiction and procedure, and declaring an emergency.

Read first time, January 21 . . . . .	229
Referred to Committee on Judiciary, January 21 . . . . .	229
Reported back, recommending passage, January 31 . . . . .	—

**No. 139. BY SENATOR WEIR, January 21, 1887—**

An act to amend section 4 of an act entitled an act fixing certain fees to be taxed in the offices, and the salaries of the officers therein named; providing for certain employes in certain public offices, and fixing their compensation; defining certain duties and liabilities of officers and persons therein named; providing for the disposition of certain moneys; making certain appropriations; declaring certain violations of the provisions of this act to be a penal offense, and prescribing the punishment and repealing all conflicting laws. Approved March 31, 1879, the same being section 5609 of the Revised Statutes of 1881 of said State, and declaring an emergency.

Read first time, January 21 . . . . .	229
Referred to Committee on Fees and Salaries, January 21 . . . . .	229
Reported back, amended, recommending passage, February 10 . . . . .	506

**No. 140. BY SENATOR CAMPBELL, January 21, 1887—**

An act to amend section one (1) of an act concerning elections and the contest thereof, approved April 21, 1881, being section 4678 of the Revised Statutes of 1881.

Read first time, January 21 . . . . .	230
Referred to Committee on Judiciary, January 21 . . . . .	230
Reported back, amended, and recommending passage, February 11 . . . . .	540
Report concurred in, February 11 . . . . .	540 and 804
Read second time and ordered engrossed, February 28 . . . . .	804

## No. 141. BY SENATOR SHROYER, January 21, 1887—

A bill for an act to amend an act entitled an act regulating insanity inquests and the committal of insane persons to hospitals for the insane, and their discharge therefrom, approved April 14, 1881.

	Page.
Read first time, January 21 . . . . .	230
Referred to Committee on Benevolent Institutions, January 21 . . . . .	230
Reported back, recommending passage, February 3 . . . . .	438
Read second time, February 24 . . . . .	697
Report concurred in and bill ordered engrossed, February 24 . . . . .	697
Read third time and re-committed to select committee, February 28 . . . . .	815
Reported back, amended, and recommending passage, March 2 . . . . .	841
Report of committee concurred in, March 2 . . . . .	842
Ordered engrossed as amended, March 2 . . . . .	842
Passed, March 4 . . . . .	884
House refused to receive, March 7. . . . .	982

## No. 142. BY SENATOR RAHM, January 21, 1887—

A bill for an act providing for the organization and administration of the additional Hospitals for the Insane.

Read first time, January 21 . . . . .	230
Referred to Committee on Benevolent Institutions, January 21 . . . . .	230
Reported back, February 10 { Majority recommending passage . . . . .	511
Minority recommending amendment and passage . . . . .	512

## No. 143. BY SENATOR JOHNSON, January 21, 1887—

An act to amend section 17 of an act entitled an act concerning real property and the alienation thereof, approved May 6, 1852, the same being section number 2932 of the Revised Statutes of 1881.

Read first time, January 21 . . . . .	230
Referred to Committee on Judiciary, January 21. . . . .	230
Reported back, recommending passage, February 10 . . . . .	505

## No. 144. BY SENATOR BAILEY, January 22, 1887—

A bill for an act providing for the destruction of election ballots after the same have been counted, the appointment of additional Judges and Clerks of Election; providing for the manner of counting ballots, prescribing certain penalties, repealing all laws or parts of laws in conflict, and declaring an emergency.

Read first time, January 22 . . . . .	245
Referred to Committee on Elections, January 22 . . . . .	245
Reported back, substitute, January 25 . . . . .	311

## No. 145. BY SENATOR CAMPBELL, January 22, 1887—

An act authorizing persons having claims against the State of Indiana to bring suit therefor in the Superior Court of Marion County, Indiana, against the State of Indiana, and declaring an emergency.

Read first time, January 22 . . . . .	245
Referred to Committee on Judiciary, January 22 . . . . .	245
Reported back, amended, and recommending passage, February 3 . . . . .	444, 445
Report of committee concurred in, February 17 . . . . .	623
Read second time, February 17 . . . . .	623
Constitutional rules suspended, considered engrossed, read third time by sections and passed, February 17 . . . . .	623, 624
In House. . . . .	

## No. 146. BY SENATOR DAVIS, January 22, 1887—

An act to amend section 6 of an act entitled "An act to authorize cities and incorporated towns to construct, maintain and operate water-works, issue and sell bonds to pay for such construction, repealing all laws in conflict with this act, and declaring an emergency," approved March 25, 1879. (Section 3270, Revised Statutes.)

Read first time, January 22 . . . . .	245
Referred to Committee on Cities and Towns, January 22 . . . . .	245
Reported back, amended, recommending passage, January 25 . . . . .	383

## No. 147. BY SENATOR DRESSER, January 22, 1887—

An act concerning power of Common Councils to tax for maintenance of sewers and drainage. Page.

Read first time, January 22 . . . . .	249
Referred to Committee on Cities and Towns, January 22 . . . . .	249

## No. 148. BY SENATOR DUNCAN OF BROWN, January 22, 1887—

An act concerning interest and usury.

Read first time, January 22 . . . . .	249
Referred to Committee on Finance, January 22 . . . . .	249
Reported back, recommending indefinite postponement, February 3 . . . . .	435

## No. 149. BY SENATOR MACY, January 22, 1887—

A bill for an act to amend section 3 of an act entitled an act to amend sections 1, 2, 3, 4, 5 and 6 of an act entitled an act providing for the appraisement, purchase and conversion of toll roads into free roads, and for their maintenance as free roads, approved March 8, 1883, and declaring an emergency: approved March 8, 1885, and declaring an emergency.

Read first time, January 22 . . . . .	249
Referred to Committee on Roads, January 22 . . . . .	249
Reported back, amended, recommending passage, January 25 . . . . .	322

## No. 150. BY SENATOR MARSHALL, January 22, 1887—

A bill for an act to prevent swindling.

Read first time, January 22 . . . . .	249
Referred to Committee on Judiciary, January 22 . . . . .	249
Reported back, to be indefinitely postponed, February 10 . . . . .	504

## No. 151. BY SENATOR MULLINIX, January 22, 1887—

An act to amend section 1469 of Revised Statutes of 1881, relative to Justice of the Peace practice.

Read first time, January 22 . . . . .	249
Referred to Committee on Judiciary, January 22 . . . . .	249
Reported back, to be indefinitely postponed, February 10 . . . . .	504

## No. 152. BY SENATOR SEARS, January 22, 1887—

An act to pay Levi R. Green the balance on his contract for furnishing hose and trimmings for the Indiana Hospital for Insane, Department for Women, and declaring an emergency.

Read first time, January 22 . . . . .	249
Referred to Committee on Claims, January 22 . . . . .	249
Reported back, recommending passage, February 10 . . . . .	514
Read second time . . . . .	611
Report concurred in and bill ordered engrossed . . . . .	611
Read third time, February 21 . . . . .	638
Passed . . . . .	639
Governor transmits to Senate for signature of its officers, March 5 . . . . .	933
Speaker of House defies official request of Governor, March 5 . . . . .	936
Report of Joint Committee on Enrolled Bills . . . . .	941, 961
Signed by President of Senate, March 5 . . . . .	943
Governor filed in office of Secretary of State, but without his approval, March 7 . . . . .	964

## No. 153. BY SENATOR SELLERS, January 22, 1887—

An act to amend section 167 of an act concerning public offenses and their punishment, approved April 14, 1881, being section 2120 of the Revised Statutes of 1881, and declaring an emergency.

	Page.
Read first time, January 22 . . . . .	250
Referred to Committee on Federal Relations, January 22 . . . . .	250
Reported back, recommending passage, January 25 . . . . .	319
Referred to special committee, February 8 . . . . .	477
Reported back, recommending amendments and passage, February 10 . . . . .	520
Report of committee concurred in, February 26 . . . . .	804
Read second time and ordered engrossed, February 26 . . . . .	804

## No. 154. BY SENATOR THOMPSON OF JASPER, January 22, 1887—

An act to amend sections 1, 3, 4, 5, 6, 9, 10 and 11 of an act concerning drainage.

Read first time, January 22 . . . . .	250
Referred to Committee on Swamp Lands, January 22 . . . . .	250
Reported back, January 25, recommending amendments and that 1,000 copies be printed, and that it be recommitted to same committee . . . . .	317, 318

## No. 155. BY SENATOR THOMPSON, January 22, 1887—

An act to amend section 8 of an act to provide for a general system of common schools.

Read first time, January 22 . . . . .	251
Referred to Committee on Education, January 22 . . . . .	251
Reported back, to lie on the table, January 25 . . . . .	318

## No. 156. BY SENATOR BARRETT, January 22, 1887—

A bill for an act concerning promissory notes and other negotiable instruments, and to protect the people of this State from fraud in their execution.

Read first time, January 22 . . . . .	251
Referred to Committee on Judiciary, January 22 . . . . .	251
Reported back, recommending passage, February 10 . . . . .	502
Report of committee concurred in, February 25 . . . . .	788
Read second time and ordered engrossed, February 25 . . . . .	788

## No. 157. BY SENATOR BAILEY, January 22, 1887—

An act providing for the exemption of homestead and other property from execution, repealing all laws or parts of laws in conflict therewith, and declaring an emergency.

Read first time, January 22 . . . . .	256
Referred to Committee on Labor, January 22 . . . . .	256
Reported back, amended, recommending passage, February 3 . . . . .	447
Report of committee concurred in, February 25 . . . . .	778
Read second time and ordered engrossed, February 25 . . . . .	778

## No. 158. BY SENATOR BAILEY, January 22, 1887—

A bill for an act concerning Justices of the Peace, Constables and their deputies, in townships of this State having a population of over seventy thousand inhabitants, prescribing certain penalties, repealing all laws or parts of laws in conflict herewith, and declaring an emergency.

Read first time, January 24 . . . . .	271
Referred to Committee on Judiciary, January 24 . . . . .	271
Reported back, amended, recommending passage, February 17 . . . . .	610
Report of committee concurred in, February 25 . . . . .	782
Read second time and ordered engrossed, February 25 . . . . .	782

**No. 159. BY SENATOR BARRETT, January 24, 1887—**

A bill for an act to amend section 2 of an act entitled "an act providing for official notice of the time when the statutes of the State are in force," approved February 7, 1885, being section 239, R. S. 1881.		Page.
Read first time, January 24		272
Referred to Committee on Judiciary, January 24		272
Reported back, recommending passage, February 10		501

**No. 160. BY SENATOR HOWARD OF ST. JOSEPH, January 24, 1887—**

An act to amend section seven (7) of an act entitled "an act providing for the election of Clerks of the Circuit Court, and prescribing some of their duties," approved June 7, 1852, being section five thousand eight hundred and forty-nine (5849) of the Revised Statutes, 1881, of the State of Indiana.		
Read first time, January 24		272
Referred to Committee on County and Township Business, January 24		272
Reported back, amended, recommending passage, January 31		395
Read second time, February 25		779
Report of committee concurred in, February 25		779
Ordered engr ssed, as amended		779

**No. 161. BY SENATOR MULLENIX, January 24, 1887—**

An act to amend section 1445 of Revised Statutes of 1881, concerning attachments by Justices of the Peace.		
Read first time, January 24		272
Referred to Committee on Judiciary, January 24		272
Reported back, to be indefinitely postponed, February 12		549

**No. 162. BY SENATOR THOMPSON OF MARION, January 24, 1887—**

A bill for an act defining the qualifications of electors in municipal and other elections by the people not provided for in the Constitution of Indiana.		
Read first time, January 24		272
Referred to Committee on Cities and Towns, January 24		272
Reported back, January 29	{ Majority recommending passage	383
	{ Minority recommending indefinite postponement	383
Made special order		544
Referred to Judiciary Committee with instructions, February 16		577
Explanation of Senator Huston on vote to refer		578
Reported back, to be indefinitely postponed, February 28		809

**No. 163. BY SENATOR URMSTON, January 24, 1887—**

An act concerning the heating of railway cars with stoves.		
Read first time, January 24		272
Referred to Committee on Railroads, January 24		272
Motion that Committee report		520

**No. 164. BY SENATOR WEIR (by request), January 24, 1887—**

An act to amend sections 2117, 2118 and 2120 of the Revised Statutes of 1881.		
Read first time, January 24		273
Referred to Committee on Agriculture, January 24		273

**No. 165. BY SENATOR BAILEY, January 24, 1887—**

An act to amend section 16 of an act entitled an act concerning public offenses and their punishment, approved April 14, 1881, being section 1917 of the Revised Statutes of 1881.		
Read first time, January 24		273
Referred to Committee on Judiciary, January 24		273
Reported back, amended, recommending passage, February 12		550

**No. 166. BY SENATOR THOMPSON OF MARION, January 24, 1887—**

An act concerning the deaf and dumb.	Page.
Read first time, January 24 . . . . .	273
Referred to Committee on Benevolent Institutions, January 24 . . . . .	273
Reported back to lie on table, January 29. . . . .	283

**No. 167. BY SENATOR FRENCH, January 24, 1887—**

An act regulating the sale and purchase of promissory notes.	
Read first time, January 24 . . . . .	273
Referred to Committee on Judiciary, January 24. . . . .	273
Reported back to be indefinitely postponed, February 12. . . . .	549

**No. 168. BY SENATOR BAILEY, January 26, 1887—**

A bill for an act defining the Nineteenth and Twenty-second Judicial Circuits, fixing the time of holding courts in said Circuits, and matters relating thereto, repealing all laws and parts of laws in conflict herewith, and declaring an emergency.	
Read first time, January 26 . . . . .	333
Referred to Committee on Organization of Courts, January 26. . . . .	333
Reported back, recommending passage, February 3 . . . . .	436

**No. 169. BY SENATOR BAILEY, January 29, 1887—**

A bill for an act providing for the incorporation of labor organizations.	
Read first time, January 29 . . . . .	391
Referred to Committee on Labor, January 29. . . . .	381
Reported back, recommending passage, February 3 . . . . .	447
Report of committee concurred in, February 25 . . . . .	778
Read second time and ordered engrossed, February 25. . . . .	778
Read third time, February 28 . . . . .	811
Passed, February 28 . . . . .	812
House refused to receive, March 1. . . . .	832

**No. 170. BY SENATOR BAILEY, January 29, 1887—**

An act regulating the hours of labor.	
Read first time, January 29 . . . . .	381
Referred to Committee on Labor, January 29. . . . .	381

**No. 171. BY SENATOR BAILEY, January 29, 1887—**

A bill for an act relating to the imprisonment of convicts in the Indiana State Prison South, and the Indiana State Prison North, and the employment, government and release of such convicts by the Board of Managers.	
Read first time, January 29 . . . . .	381
Referred to Committee on Labor, January 29. . . . .	381
Reported back, recommending passage, February 11. . . . .	539

**No. 172. BY SENATOR BAILEY, January 29, 1887—**

An act prohibiting the employment of any child under the age of fourteen years, by any person, firm, company, corporation or association engaged in mining coal, ore or other minerals, manufacturing steel or iron, or any other kind of manufacturing whatsoever, providing a penalty, and declaring an emergency.	
Read first time, January 29 . . . . .	381
Referred to Committee on Labor, January 29. . . . .	381
Reported back, recommending passage, February 3 . . . . .	446
Report of committee concurred in, February 25 . . . . .	788
Read second time and ordered engrossed, February 25 . . . . .	788
Read third time, March 3 . . . . .	805
Passed, March 3 . . . . .	805
House refused to receive, March 3. . . . .	871

**No. 173. BY SENATOR BAILEY, January 29, 1887—**

**A bill for an act concerning the liability of corporations and companies for the injury or death of an employe, caused wholly or in part by the carelessness or negligence of a fellow-servant or co-employe, repealing all laws or parts of laws in conflict herewith, and declaring an emergency.**

	Page.
Read first time, January 29 . . . . .	381
Referred to Committee on Labor, January 29. . . . .	381
Reported back, recommending passage, February 3 . . . . .	447
Report of committee concurred in, February 26 . . . . .	802
Read second time and ordered engrossed, February 26. . . . .	802

**No. 174. BY SENATOR BAILEY, January 29, 1887—**

**An act providing for the infliction of corporal punishment upon persons found guilty of wife-beating.**

Read first time, January 29 . . . . .	382
Referred to committee on Labor, January 29 . . . . .	382
Reported back, recommending passage, February 3 . . . . .	446
Report of committee concurred in, February 26 . . . . .	804
Read second time and ordered engrossed, February 26 . . . . .	804

**No. 175. BY SENATOR BAILEY, January 29, 1887—**

**An act regulating railroad passenger fare.**

Read first time, January 29 . . . . .	382
Referred to Committee on Railroads, January 29 . . . . .	382

**No. 176. BY SENATOR BAILEY, January 29, 1887—**

**An act concerning the recording of wills.**

Read first time, January 29 . . . . .	382
Referred to Committee on Judiciary, January 29 . . . . .	382
Reported back, to be indefinitely postponed, February 28 . . . . .	810

**No. 177. BY SENATOR HALE, January 29, 1887—**

**An act to amend an act to authorize cities and towns to issue bonds.**

Read first time, January 29 . . . . .	382
Referred to Committee on Cities and Towns, January 29 . . . . .	382

**No. 178. BY SENATOR ZIMMERMAN, January 29, 1887—**

**An act empowering Township Trustees to purchase and keep public cemeteries in repair.**

Read first time, January 29 . . . . .	383
Referred to Committee on County and Township Business, January 29 . . . . .	383
Reported back, recommending passage, February 4 . . . . .	475

**No. 179. BY SENATOR DAVIS, January 29, 1887—**

**An act to amend section 372, concerning proceedings in civil cases.**

Read first time, January 29 . . . . .	384
Referred to Committee on Judiciary, January 29 . . . . .	384
Reported back, to be indefinitely postponed, February 12 . . . . .	549

**No. 180. BY SENATOR JOHNSON, January 29, 1887—**

**An act to amend sections 18 and 21 of an act entitled "An act concerning the partition of lands," approved May 20, 1852, the same being sections 1199 and 1202 of the Revised Statutes of 1881.**

Read first time, January 29 . . . . .	384
Referred to Committee on Judiciary, January 29 . . . . .	384
Reported back, recommending passage, February 3 . . . . .	437



## No. 181. BY SENATOR JOHNSON, January 29, 1887—

An act to amend sections 2 and 4 of an act entitled "An act to amend sections 1, 6, 19, 20 and 34 of an act entitled an act concerning highways and Supervisors thereof, approved March 2, 1883, and declaring an emergency," approved April 13, 1885. Page.

Read first time, January 29 . . . . .	384
Referred to Committee on Roads, January 29 . . . . .	384
Reported back, recommending passage, February 3 . . . . .	438

## No. 182. BY SENATOR DUNCAN OF BROWN, January 29, 1887—

An act defining who shall constitute the County Board of Education, prescribing the powers and duties of said Board in relation to the text-books used in the common schools, the purchase of maps, charts, school furniture and supplies, and limiting the power of the Township Trustees in the purchase of the same, providing for the recording of all orders and warrants issued by such Trustees, and declaring all township warrants, not issued and recorded in accordance with the provisions of this act, void; repealing all conflicting laws and declaring an emergency.

Read first time, January 29 . . . . .	384
Referred to Committee on Education, January 29 . . . . .	384
Reported back, recommending passage, February 10 . . . . .	509
Report of committee concurred in, February 26 . . . . .	805
Read second time and ordered engrossed, February 26 . . . . .	805

## No. 183. BY SENATOR GRIFFITH, January 29, 1887—

A bill for an act to amend section 28 of an act concerning the partition of lands, approved May 20, 1852, being section 1208 of the Revised Statutes of 1881, and declaring an emergency.

Read first time, January 29 . . . . .	384
Referred to Committee on Judiciary, January 29 . . . . .	384
Reported back, recommending passage, February 12 . . . . .	549

## No. 184. (This number skipped.)

## No. 185. BY SENATOR FOWLER, January 29, 1887—

An act requiring foreign insurance companies to pay judgments rendered against them in this State, appeal from such judgments or forfeit their right to do business within this State, providing penalties, and declaring an emergency.

Read first time, January 29 . . . . .	385
Referred to Committee on Insurance, January 29 . . . . .	385
Reported back, recommending passage, February 11 . . . . .	542
Report of committee concurred in, February 26 . . . . .	796
Read second time and ordered engrossed, February 26 . . . . .	796
Recommitted to committee of one to amend, March 3 . . . . .	862
Report of committee amending, March 3 . . . . .	862
Report of committee concurred in . . . . .	862
Read third time, March 3 . . . . .	874
Referred to committee of one with instructions, March 3 . . . . .	874
Reported back, amended, and report concurred in, March 3 . . . . .	874
Passed, March 3 . . . . .	874, 875
House refused to receive, March 3 . . . . .	883

## No. 186. BY SENATOR BRANAMAN, January 29, 1887—

An act to amend section 4 of an act concerning highways.

Read first time, January 29 . . . . .	386
Referred to Committee on Roads, January 29 . . . . .	386

## No. 187. BY SENATOR ANDREW, January 29, 1887—

An act to amend an act defining the powers and duties of Justices of the Peace.

Read first time, January 29 . . . . .	386
Referred to Committee on Judiciary, January 29 . . . . .	386
Reported back to be indefinitely postponed, February 12 . . . . .	549

**No. 188. BY SENATOR MACY, January 29, 1887—**

A bill for an act to amend sections 213 and 215 of an act entitled "An act concerning proceedings in criminal cases," approved April 19, 1881 (being sections 1788 and 1789, Revised Statutes of 1881.)

	Page-
Read first time, January 29 . . . . .	386
Referred to Committee on Judiciary, January 29 . . . . .	386
Reported back, substitute, February 12 . . . . .	547

**No. 189. BY SENATOR MACY, January 29, 1887—**

A bill for an act to amend section 1 of an act entitled an act to amend the first section of an act entitled an act to amend the twenty-second section of an act entitled an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852; approved March 2, 1855, and approved March 1, 1877, being section 3333, Revised Statutes, 1881.

Read first time, January 29 . . . . .	386
Referred to Committee on Cities and Towns, January 29 . . . . .	386
Reported back, recommending passage, February 3 . . . . .	443

**No. 190. BY SENATOR THARP, January 29, 1887—**

A bill for an act to provide for the study of the nature of alcoholic drinks and narcotics and of their effect upon the human system in the public schools of the State of Indiana.

Read first time, January 29 . . . . .	386
Referred to Committee on Education, January 29 . . . . .	386
Reported back, amended, recommending passage, February 17 . . . . .	586
Report of Committee concurred in, March 1 . . . . .	833
Read second time and ordered engrossed, March 1 . . . . .	833

**No. 191. BY SENATOR WINTER, January 29, 1887—**

A bill for an act appropriating two thousand four hundred and ninety-eight dollars and seventy-eight cents to pay the indebtedness of the State of Indiana to Wm. B. Burford, as contractor for the public printing, binding and stationery for the State, under his contract for printing, binding and stationery, and declaring an emergency.

Read first time, January 29 . . . . .	387
Referred to Committee on claims, January 29 . . . . .	387
Reported back, recommending passage, February 10 . . . . .	514
Report concurred in, February 17 . . . . .	616
Read second time and ordered engrossed, February 17 . . . . .	616
Read third time, February 18 . . . . .	627
Passed, February 18 . . . . .	627
Governor transmits to Senate for signature of its officers, March 5 . . . . .	933
Speaker of House defies official request of Governor, March 5 . . . . .	936
Report of Joint Committee on Enrolled Bills . . . . .	941, 961
Signed by President of Senate, March 5 . . . . .	944
Signed by Governor, March 7 . . . . .	963

**No. 192. BY SENATOR WINTER, January 29, 1887—**

An act to amend sections 1, 2 and 3 of an act entitled "An act to provide for the care and custody of the person and estate of habitual drunkards," being sections 4318, 4319 and 4320 of the Revised Statutes of 1881, and declaring an emergency.

Read first time, January 29 . . . . .	387
Referred to Committee on Judiciary, January 29 . . . . .	387
Reported back, recommending passage, February 12 . . . . .	550

**No. 193. BY SENATOR DAY, January 29, 1887—**

A bill requiring railroad companies to lay certain kinds of ties, and make walk-ways along their track."

Read first time, January 29 . . . . .	387
Referred to Committee on Benevolent Institutions, January 29 . . . . .	387
Reported back, recommending indefinite postponement, February 3 . . . . .	438

**No. 194. BY SENATOR McDONALD OF WHITLEY, January 29, 1887—**

A bill for an act to amend section 1 of an act entitled "An act requiring County Auditors to publish a statement of the allowances made by the County Commissioners," approved March 9, 1875, being section 5765 of the Revised Statutes of 1881.

	Page.
Read first time, January 29 . . . . .	386
Referred to Committee on County and Township Business, January 29 . . . . .	386
Reported back, recommending passage, February 4 . . . . .	475
Report of committee concurred in, February 26 . . . . .	808
Read second time and amended, February 28 . . . . .	806

**No. 195. BY SENATOR JOHNSON, January 31, 1887—**

An act to amend section 216 of an act concerning proceedings in criminal cases.

Read first time, January 31 . . . . .	386
Referred to Committee on Judiciary, January 31 . . . . .	391
Reported back, recommending indefinite postponement, February 3 . . . . .	437

**No. 196. BY SENATOR DAVIS, January 31, 1887—**

An act concerning the State Library.

Read first time, January 31 . . . . .	391
Referred to Committee on State Library, January 31 . . . . .	391

**No. 197. BY SENATOR FRENCH, January 31, 1887—**

An act to repeal an act entitled "An act to regulate the rental allowed for the use of telephones, and fixing a penalty for its violation," approved April 13, 1885.

Read first time, January 31 . . . . .	391
Referred to Committee on Judiciary, January 31 . . . . .	391
Reported back, majority recommending passage, February 28 . . . . .	808

**No. 198. BY SENATOR KENNEDY, January 31, 1887—**

An act to have set apart space in the State House for a statue of the late General Pleasant Adams Hackleman.

Read first time, January 31 . . . . .	392
Constitutional rules suspended, read second time by title, considered engrossed, read third time by sections and passed, January 31 . . . . .	392
Governor transmits to Senate for signature of its officers, March 5 . . . . .	933
Speaker of House defers official request of Governor, March 5 . . . . .	936
Report of Joint Committee on Enrolled Bills . . . . .	941, 951
Signed by President of Senate, March 5 . . . . .	944
Signed by Governor, March 7 . . . . .	963

**No. 199. BY SENATOR SEARS, January 31, 1887—**

An act regulating the sale of drugs and medicines.

Read first time, January 31 . . . . .	393
Referred to Committee on Public Health, January 31 . . . . .	393

**No. 200. BY SENATOR SEARS, January 31, 1887—**

An act providing for the removal of County Superintendents.

Read first time, January 31 . . . . .	396
Referred to Committee on Judiciary, January 31 . . . . .	393
Reported back, to be indefinitely postponed, February 12 . . . . .	559

**No. 201. BY SENATOR THOMPSON OF MARION, January 31, 1887—**

A bill for an act to amend section 8 of an act concerning the public health and regulating the practice of medicine, the same being section 4993.

Read first time, January 31 . . . . .	394
Referred to Committee on Public Health, January 31 . . . . .	394
Reported back recommending passage, February 4 . . . . .	465

**No. 202. BY SENATOR HARNES, January 31, 1887—**

An act for the protection of ballot boxes.	Page.
Read first time, January 31 . . . . .	394
Referred to Committee on Judiciary, January 31 . . . . .	394
Reported back, to be indefinitely postponed, February 28 . . . . .	810

**No. 203. BY SENATOR BAILEY, January 31, 1887—**

An act to pay Andrew Steffen, assignee of Griffith & Williams, for work done and materials furnished by them to the State of Indiana, and declaring an emergency.	
Read first time, January 31 . . . . .	396
Referred to Committee on Claims, January 31 . . . . .	396
Reported back, recommending passage, February 10. . . . .	514
Read second time, February 17 . . . . .	612
Report concurred in and bill ordered engrossed . . . . .	612
Read third time and passed, February 21 . . . . .	639
In House.	

**No. 204. BY SENATOR FOWLER, January 31, 1887—**

An act to make certain deductions from taxes on real estate, providing for the payment of the taxes on mortgages and vendors' liens on real estate by the holder of such liens, prescribing certain duties to be performed by County Auditors and Township Assessors, repealing all laws in conflict with the provisions of this act, and declaring an emergency.	
Read first time, January 31 . . . . .	399
Referred to Committee on Finance, January 31. . . . .	399
Reported back, recommending passage, March 1. . . . .	830

**No. 205. BY SENATOR SCHLOSS, January 31, 1887—**

A bill for an act regulating foreign real estate title guarantee companies doing business in this State, prescribing the duties of the agents thereof, and of the Auditor of State in connection therewith, providing penalties for the violation of this act, and declaring an emergency.	
Read first time, January 31 . . . . .	399
Referred to Committee on Insurance, January 31 . . . . .	399
Reported back, recommending passage, February 3 . . . . .	436
Report of committee concurred in, February 25. . . . .	778
Read second time and ordered engrossed, February 25 . . . . .	778
Read third time, March 1 . . . . .	824
Failed to pass, March 1 . . . . .	824
Senator Thompson of Marion, and Senator Howard of Decatur, excused from voting. . . . .	825

**No. 206. BY SENATOR DUNCAN OF BROWN, January 31, 1887—**

A bill for the relief of Joel S. Davis, and authorizing the refunding to him of certain damages paid by him into the Treasury of Bartholomew County, Indiana, to the credit of Congressional Township Eight (8), north of range six (6) east, for school purposes, and declaring an emergency.	
Read first time, January 31 . . . . .	399
Referred to Committee on Claims, January 31 . . . . .	399
Reported back, recommending passage, February 10. . . . .	514
Report of committee concurred in, February 28 . . . . .	815
Read second time and ordered engrossed, February 28 . . . . .	815

**No. 207. BY SENATOR COX, January 31, 1887—**

A bill to amend an act concerning proceedings in civil cases.	
Read first time, January 31 . . . . .	399
Referred to Committee on Judiciary, January 31 . . . . .	399
Reported back, to be indefinitely postponed, February 17 . . . . .	609

## No. 208. BY SENATOR SELLERS, February 1, 1887—

An act concerning organization of voluntary associations.

Page.

Read first time, February 1 . . . . .	413
Constitutional rules suspended, read second time by title, considered engrossed, read third time by sections, and passed, February 1 . . . . .	413
Passed by House, with amendments, February 17 . . . . .	604
Referred to special committee of three . . . . .	604
Report of special committee on House amendments . . . . .	611
Senate concurs in report of committee, February 17 . . . . .	611
Report of Committee on Enrolled Bills . . . . .	619
Motion of Senator Weir to reconsider, February 18 . . . . .	629
Motion to reconsider carries, February 21 . . . . .	648
Senate refuses to concur in House amendments and asks conference . . . . .	649
House agrees to conference and committee named . . . . .	670
Report of Conference Committee and Senate concurs, February 23 . . . . .	693
Governor transmits to Senate for signature of its officers, March 5 . . . . .	933
Speaker of House defies official request of Governor, March 5 . . . . .	938
Report of Joint Committee on Enrolled Bills . . . . .	941, 961
Signed by President of Senate, March 5 . . . . .	943
Signed by Governor, March 7 . . . . .	963

## No. 209. By SENATOR DEMOTTE, February 1, 1887—

A bill for an act to declare the insanity of a county, township or judicial officer in this State, a vacation of said office, and to prescribe the manner in which such vacancy may be filled, and declaring an emergency.

Read first time, February 1 . . . . .	414
Referred to Committee on Judiciary, February 1 . . . . .	414
Reported back, recommending passage, February 17 . . . . .	608

## No. 210. BY SENATOR SMITH OF WELLS, February 4, 1887.

A bill for an act to regulate legal advertising in cities with a voting population of 15,000, according to the poll of the general election in November, 1886, and declaring an emergency.

Read first time, February 4 . . . . .	457
Referred to Committee on Public Printing, February 4 . . . . .	457
Reported back, Feb. 10. { Majority recommending passage . . . . . } { Minority recommending amendment and passage . . . . . }	507
Read second time, February 17 . . . . .	616
Minority report amended and adopted . . . . .	616
Amended . . . . .	617
Indefinitely postponed by Senate, February 17 . . . . .	639

## No. 211. BY SENATOR FOWLER, February 4, 1887—

A bill for an act to amend sections 1 and 3 of an act entitled "An act prescribing certain duties of telegraph and telephone companies, prohibiting discrimination between patrons, and providing penalties therefor, and declaring an emergency," approved April 8, 1885, and declaring an emergency.

Read first time, February 4 . . . . .	458
Referred to Committee on Judiciary, February 4 . . . . .	458
Reported back, amended, recommending passage, February 17 . . . . .	609
Report of committee concurred in, February 25 . . . . .	788
Read second time and ordered engrossed, February 25 . . . . .	788
Read third time, March 1 . . . . .	837
Passed, March 1 . . . . .	838
House refused to receive, March 2 . . . . .	854

## No. 212. BY SENATOR FOWLER, February 4, 1887—

An act to amend sections 1 and 2 of an act prescribing certain duties of telegraph and telephone companies.

Read first time, February 4 . . . . .	458
Referred to Committee on Judiciary, February 4 . . . . .	458
Reported back to be indefinitely postponed, February 17 . . . . .	609

**No. 213. BY SENATOR RAHM, February 4, 1887—**

<b>An act providing for collecting reports of births, deaths and marriages, requiring a burial permit, and fixing penalties for the violation of its provisions,</b>	<b>Page.</b>
Read first time, February 4 . . . . .	458
Referred to Committee on Public Health, February 4 . . . . .	458
Reported back, recommending passage, February 10 . . . . .	516
Report of committee concurred in, February 25 . . . . .	787
Read second time, February 25 . . . . .	787
Amended and ordered engrossed, February 25 . . . . .	788
Read third time, March 2 . . . . .	836
Passed, March 2 . . . . .	856
House refused to receive, March 3 . . . . .	870

**No. 214. BY SENATOR THOMPSON OF MARION, February 4, 1887—**

<b>An act to amend an act concerning public offenses.</b>	
Read first time, February 4 . . . . .	458
Referred to Committee on Judiciary, February 4 . . . . .	458
Reported back to be indefinitely postponed, February 17 . . . . .	609

**No. 215. BY SENATOR ENSLEY, February 4, 1887—**

<b>An act to require railroad corporations, companies or persons operating within the State of Indiana, to give notice at stations whether passenger trains are on schedule time or not, and affixing a penalty for a violation of the provisions of this act.</b>	
Read first time, February 4 . . . . .	458
Referred to Committee on Railroads, February 4 . . . . .	458
Reported back, amended, recommending passage, February 23 . . . . .	672

**No. 216. BY SENATOR TRIPPET, February 4, 1887—**

<b>An act concerning settlement and refunding of debts of cities and towns.</b>	
Read first time, February 4 . . . . .	459
Referred to Committee on Finance, February 4 . . . . .	459
Reported back to be indefinitely postponed, February 16 . . . . .	584

**No. 217. BY SENATOR BRYANT, February 4, 1887—**

<b>An act to provide for the taxation of Building, Loan and Savings Associations.</b>	
Read first time, February 4 . . . . .	459
Referred to Committee on Banks, February 4 . . . . .	459
Reported back, recommending passage, February 10 . . . . .	515
Report concurred in, February 12 . . . . .	547
Read second time, February 12 . . . . .	547
Read third time and passed, February 21 . . . . .	645
Title referred to Committee on Phraseology . . . . .	645
Motion of Senator Johnson to reconsider, February 23 . . . . .	674
Governor transmits to Senate for signature of its officers, March 5 . . . . .	933
Speaker of House defies official request of Governor, March 5 . . . . .	936
Report of Joint Committee on Enrolled Bills . . . . .	941, 961
Signed by President of Senate, March 5 . . . . .	944
Signed by Governor, March 7 . . . . .	964

**No. 218. BY SENATOR WEIR, February 4, 1887—**

<b>An act concerning elections of Reporter of the Supreme Court.</b>	
Read first time, February 4 . . . . .	459
Referred to Committee on Judiciary, February 4 . . . . .	459

**No. 219. BY SENATOR WINTER, February 4, 1887—**

<b>An act to pay the claim of John R. Rankin.</b>	
Read first time, February 4 . . . . .	459
Referred to Committee on Claims, February 4 . . . . .	459
Reported back, to be laid on table, March 2 . . . . .	846

## No. 220. BY SENATOR DEMOTTE, February 4, 1887—

A bill for an act to amend section 2 and 6 of an act entitled "An act to regulate the practice of medicine, surgery and obstetrics; providing for the issuing of licenses to practice; defining certain misdemeanors and providing penalties," approved April 11, 1885.

	Page.
Read first time, February 4 . . . . .	460
Referred to Committee on Public Health, February 4 . . . . .	460
Reported back substitute, February 10 . . . . .	517
Read second time, February 16 . . . . .	571
Report of committee concurred in . . . . .	572
Amended . . . . .	571, 572
Constitutional rules suspended, considered engrossed, read third time by sections and passed, February 16 . . . . .	572, 573
Title referred to Committee on Phraseology . . . . .	573
Report of Committee on Phraseology . . . . .	573
In House.	

## No. 221. BY SENATOR SCHROYER, February 4, 1887—

An act authorizing Building and Loan and other associations to borrow money.

Read first time, February 4 . . . . .	460
Referred to Committee on Corporations, February 4 . . . . .	460
Reported back, to be indefinitely postponed, February 17 . . . . .	567

## No. 222. BY SENATOR HARNESS, February 4, 1887—

An act to repeal section 3 of an act approved April 11, 1885.

Read first time, February 4 . . . . .	460
Referred to Committee on County and Township Business, February 4 . . . . .	460
Reported back, to be indefinitely postponed, February 17 . . . . .	591

## No. 223. BY SENATOR BAILEY, February 4, 1887—

A bill for an act relative to the appointment of special deputies, marshals or policemen, by Sheriffs, Mayors and other persons authorized by law to make such appointments, and declaring an emergency.

Read first time, February 4 . . . . .	460
Referred to Committee on Labor, February 4 . . . . .	460
Reported back, amended, recommending passage, February 10 . . . . .	519
Report concurred in, February 12 . . . . .	543
Read second time and ordered engrossed, February 12 . . . . .	543
Read third time and amended, February 25 . . . . .	785
Passed, February 25 . . . . .	785
Title referred to Committee on Phraseology . . . . .	785
House refused to receive, February 28 . . . . .	816

## No. 224. BY SENATOR BAILEY, February 4, 1887—

An act concerning the appointment of deputy prosecutors.

Read first time, February 4 . . . . .	460
Referred to Committee on Judiciary, February 4 . . . . .	460
Reported back, to be indefinitely postponed, February 17 . . . . .	606

## No. 225. BY SENATOR THOMPSON OF JASPER, February 4, 1887—

An act to prevent swindling.

Read first time, February 4 . . . . .	460
Referred to Committee on Judiciary, February 4 . . . . .	460
Reported back, to be indefinitely postponed, February 17 . . . . .	610

## No. 226. BY SENATOR BARRETT, February 4, 1887—

A bill for an act providing for the maintenance of night schools in certain cities.

Read first time, February 4 . . . . .	651
Referred to Committee on Education, February 4 . . . . .	651
Reported back, recommending passage, February 16 . . . . .	584

**No. 227. BY SENATOR URMSTON, February 4, 1887—**

An act to amend section eight of an act entitled an act providing for the better government and management of the Hospital for the Insane, the Asylum for the Blind, and the Institution for the Deaf and Dumb, repealing all laws or parts of laws in conflict herewith, and declaring an emergency; approved and in force March 6, 1879, which section is numbered 2775 in the Revised Statutes of 1881.

	Page.
Read first time, February 4 . . . . .	461
Referred to Committee on Benevolent Institutions, February 4 . . . . .	461
Reported back, recommending passage, February 10 . . . . .	511
Report concurred in, February 21 . . . . .	650
Read second time, February 21 . . . . .	650

**No. 228. BY SENATOR URMSTON, February 4, 1887—**

An act to amend an act entitled "an act to authorize the Township Trustee of Union Township, Union County, Indiana, or his successors in office, to pay certain indebtedness incurred by a former Trustee of said township," approved March 29, 1879.

Read first time, February 4 . . . . .	461
Referred to Committee on County and Township Business, February 4 . . . . .	461
Reported back, recommending passage, February 23 . . . . .	690
Report of committee concurred in, February 26 . . . . .	804
Read second time and ordered engrossed, February 26 . . . . .	804

**No. 229. BY SENATOR SEARS, February 4, 1887—**

An act to amend section 15 of an act relating to the construction of bridges by townships in Indiana, etc., and prescribing powers and duties of County Commissioners in relation thereto. Approved March 5, 1885.

Read first time, February 4 . . . . .	461
Referred to Committee on County and Township Business, February 4 . . . . .	461
Reported back, recommending passage, February 10 . . . . .	507

**No. 230. BY SENATOR ENSLEY, February 4, 1887—**

An act to provide for the construction of sewers.

Read first time, February 4 . . . . .	461
Referred to Committee on County and Township Business, February 4 . . . . .	461
Reported back, recommending reference to Committee on Cities and Towns. February 10 . . . . .	516

**No. 231. BY SENATOR GRIFFITH, February 4, 1887—**

An act concerning the administration of additional hospitals.

Read first time, February 4 . . . . .	462
Referred to Committee on Benevolent Institutions, February 4 . . . . .	462
Reported back to be indefinitely postponed, February 10 . . . . .	513

**No. 232. BY SENATOR GRIFFITH, February 4, 1887—**

An act to amend an act concerning insanity inquests.

Read first time, February 4 . . . . .	462
Referred to Committee on Benevolent Institutions, February 4 . . . . .	462
Reported back to be indefinitely postponed, February 10 . . . . .	513

**No. 233. BY SENATOR GRIFFITH, February 4, 1887—**

An act making an appropriation to pay Wm. H. Drapier, stenographic Assembly reporter, for the Brevier Legislative Reports of the debates and proceedings of the 51st, 52d and 53d General Assemblies of the State of Indiana.

Read first time, February 4 . . . . .	463
Referred to Committee on Finance, February 4 . . . . .	463
Reported back, amended, recommending passage, February 21 . . . . .	638



## No. 234. BY SENATOR DAY, February 4, 1887—

An act for the protection of life and property from loss or damage by the explosion of steam boilers, and other vessels or devices under pressure, and to provide for the examination and license of all persons operating or having charge of such devices.

	Page.
Read first time, February 4 . . . . .	462
Referred to Committee on Labor, February 4 . . . . .	462
75 copies ordered printed . . . . .	462
Reported back substitute, recommending passage, February 17 . . . . .	502
Report of committee concurred in and ordered engrossed, February 22 . . . . .	662
Amended and ordered engrossed as amended . . . . .	654
Read third time, February 23 . . . . .	687
Amended and passed, February 23 . . . . .	687, 688
In House.	

## No. 235. BY SENATOR WEIR, February 9, 1887—

A bill for an act concerning representations and warranties in contracts of life insurance, and declaring an emergency.

Read first time, February 9 . . . . .	499
Referred to select committee of 5, February 9 . . . . .	499
Reported back, recommending passage, February 17 . . . . .	586
Report of committee concurred in, February 25 . . . . .	776
Read second time, February 25 . . . . .	776

## No. 236. BY SENATOR DUNCAN OF BROWN, February 10, 1887—

An act providing for indexing the records and papers in the Clerk's office of the Supreme Court, and making an appropriation therefor.

Read first time, February 10 . . . . .	510
Referred to select committee, February 10 . . . . .	510
Reported back, amended, recommending passage, February 11 . . . . .	538
Report of committee concurred in, February 21 . . . . .	642
Read second time, February 21 . . . . .	642
Constitutional rules suspended, considered engrossed, read third time by sections and passed, February 21 . . . . .	642
Motion to reconsider, February 25 . . . . .	775
Vote on passage reconsidered, March 3 . . . . .	859
House refused to receive notification, March 3 . . . . .	871

## No. 237. BY SENATOR HOWARD OF ST. JOSEPH, February 10, 1887—

An act to remove obstructions in Kankakee at Momence.

Read first time, February 10 . . . . .	515
Referred to Committee on Judiciary, February 10 . . . . .	515
500 copies ordered printed . . . . .	515

## No. 237. BY SENATOR ANDREW, February 10, 1887—

An act authorizing the sale of certain lands belonging to the State of Indiana, disposing of the proceeds thereof, and providing for the recovery of the possession of any of the lands of the State unlawfully held, and for the rent of any of the lands of the State until sold, repealing all laws in conflict therewith, and declaring an emergency.

Read first time, February 10 . . . . .	521
Referred to Committee on Finance, February 10 . . . . .	521
Reported back, recommending passage, February 16 . . . . .	584

## No. 238. BY SENATOR BAILEY, February 10, 1887—

A bill for an act providing for the erection by railroad companies doing business in this State of bridges of sufficient height to prevent injury to their employees, repealing all laws or parts of laws in conflict herewith.

Read first time, February 10 . . . . .	521
Referred to Committee on Labor, February 10 . . . . .	521
Reported back, recommending passage, February 11 . . . . .	539
Report of committee concurred in, February 26 . . . . .	803
Read second time, amended, and ordered engrossed, February 26 . . . . .	803

**No. 239. BY SENATOR BRANAMAN, February 10, 1887—**

An act authorizing sale of lands owned by State.	Page.
Read first time, February 10 . . . . .	521
Referred to Committee on Benevolent Institutions, February 10 . . . . .	521

**No. 240. BY SENATOR COX, February 10, 1887—**

An act to amend sections eight (8), ten (10) and fifteen (15) of an act entitled "An act to provide for organizing and regulating the business of life insurance corporations, associations and societies, transacting business on what is known as the assessment plan, and fixing penalties for the violation of its provisions, and declaring an emergency," approved March 9, 1883.

Read first time, February 10 . . . . .	521
Referred to Committee on Insurance, February 10 . . . . .	521
Reported back, recommending passage, February 23 . . . . .	680

**No. 241. BY SENATOR DAY, February 10, 1887—**

A bill for an act to legalize the acts and proceedings of the officers of the town of Salem, in the County of Washington, State of Indiana, in reference to the system of water works established and constructed therein, and declaring an emergency.

Read first time, February 10 . . . . .	522
Referred to Committee on Cities and Towns, February 10 . . . . .	522
Reported back, recommending passage, February 23 . . . . .	672

**No. 242. BY SENATOR DRAKE, February 10, 1887—**

An act releasing the lien of a judgment.

Read first time, February 10 . . . . .	522
Referred to Committee on Judiciary, February 10 . . . . .	522
Reported back, recommending passage, February 12 . . . . .	551
Report of committee concurred in . . . . .	552
Read a second time and ordered engrossed, February 12 . . . . .	552
Read third time and passed, February 21 . . . . .	649, 650
Governor transmits to Senate for signature of its officers, March 5 . . . . .	933
Speaker of House defies official request of Governor, March 5 . . . . .	936
Report of Joint Committee on Enrolled Bills . . . . .	941

**No. 243. BY SENATOR ENSLEY, February 10, 1887—**

A bill for an act concerning incorporated towns and drainage therein.

Read first time, February 10 . . . . .	522
Referred to Committee on Cities and Towns, February 10 . . . . .	522
Reported back, recommending passage, February 18 . . . . .	632
Report of committee concurred in, March 2 . . . . .	842
Read second time and ordered engrossed, March 2 . . . . .	842
Read third time, March 4 . . . . .	884
Passed, March 4 . . . . .	884
Title referred to Committee on Phraseology . . . . .	894
Report of Committee on Phraseology . . . . .	924
House refused to receive, March 7 . . . . .	962

**No. 244. BY SENATOR FOWLER, February 10, 1887—**

An act to amend section 4557 of Revised Statutes 1881, concerning State Normal School.

Read first time, February 10 . . . . .	522
Referred to Committee on Education, February 10 . . . . .	522
Reported back to lie on table, February 17 . . . . .	586

**No. 245. BY SENATOR HARNESS, February 10, 1887—**

An act to amend section 24, and to legalize certain acts done.

Read first time, February 10 . . . . .	522
Referred to Committee on Judiciary, February 10 . . . . .	522
Reported back, to be indefinitely postponed, February 28 . . . . .	800

## No. 246. BY SENATOR JOHNSON, February 10, 1887—

A bill to amend the second section of an act entitled an act authorizing the Board of Directors of street railway companies to raise funds to discharge the indebtedness of such companies by making a pro rata assessment against stockholders, to make needful rules and regulations in relation thereto, to issue preferred stock, in certain cases, and in relation to the individual liability of stockholders, approved February 28, 1887, and being section 4160 of the Revised Statutes of 1881.

	Page.
Read first time, February 10 . . . . .	522, 523
Referred to Committee on Judiciary, February 10 . . . . .	523
Reported back, recommending passage, February 17 . . . . .	610
Report of committee concurred in, February 21 . . . . .	641
Read second time, February 21 . . . . .	641
Constitutional rules suspended, considered engrossed, read third time by sections and passed, February 21 . . . . .	641
Title referred to Committee on Phraseology . . . . .	641
Report of Committee on Phraseology . . . . .	646
In House.	

## No. 247. BY SENATOR KENNEDY, February 10, 1887—

A bill for an act concerning the sale of goods manufactured by convict labor.

Read first time, February 10 . . . . .	523
Referred to Committee on Labor, February 10 . . . . .	523
Reported back, recommending passage, February 11 . . . . .	529

## No. 248 BY SENATOR MACY, February 10, 1887—

A bill for an act authorizing Boards of County Commissioners to make a second assessment upon real estate to pay the expense and reimburse the county for funds expended in the construction of free gravel roads, and declaring an emergency.

Read first time, February 10 . . . . .	523
Referred to Committee on Roads, February 10 . . . . .	523
Reported back, recommending passage, February 17 . . . . .	547

## No. 249. BY SENATOR PETERSON, February 10, 1887.

An act to amend section 551 of Revised Statutes, 1881, concerning proceedings in civil cases.

Read first time, February 10 . . . . .	523
Referred to Committee on Judiciary, February 10 . . . . .	523
Reported back, to be indefinitely postponed, February 17 . . . . .	606

## No. 250. BY SENATOR SCHLOSS. February 10, 1887—

An act prescribing jurisdiction and service on insurance companies, etc.

Read first time, February 10 . . . . .	523
Referred to Committee on Insurance, February 10 . . . . .	523

## No. 251. BY SENATOR SHROYER, February 10, 1887—

An act to amend section 1409, Revised Statutes, 1881, concerning appointment of shorthand reporters, etc.

Read first time, February 10 . . . . .	523
Referred to Committee on Judiciary, February 10 . . . . .	523
Reported back to be indefinitely postponed, February 17 . . . . .	606

## No. 252. BY SENATOR THARP, February 10, 1887—

An act to amend section 6416, Revised Statutes, 1881, concerning taxation.

Read first time, February 10 . . . . .	524
Referred to Committee on Judiciary, February 10 . . . . .	524
Reported back to be indefinitely postponed, February 17 . . . . .	606
Referred to Committee on Judiciary, February 25 . . . . .	786

## No. 253. BY SENATOR TRIPPET, February 10, 1887—

An act to amend section 1771, Revised Statutes, 1881, concerning proceedings in criminal cases. Page.

Read first time, February 10 . . . . .	524
Referred to Committee on Judiciary, February 10 . . . . .	524
Reported back to be indefinitely postponed, February 17 . . . . .	607

## No. 254. BY SENATOR URMSTON, February 10, 1887—

An act to appropriate money to erect school building at Institute for Deaf and Dumb.

Read first time, February 10 . . . . .	524
Referred to Committee on Benevolent Institutions, February 10 . . . . .	524

## No. 255. BY SENATOR WINTER, February 10, 1887—

An act to legalize sales by guardians under orders defective in not prescribing notice.

Read first time, February 10 . . . . .	524
Referred to Committee on Judiciary, February 10 . . . . .	524
Reported back, recommending passage, February 12 . . . . .	551

## No. 256. BY SENATOR WEIR, February 10, 1887—

An act to amend sections 1 and 6 of an act concerning re-location of county seats.

Read first time, February 10 . . . . .	524
Referred to Committee on Cities and Towns, February 10 . . . . .	524
Reported back, to be indefinitely postponed, March 2 . . . . .	840

## No. 257. BY SENATOR BAILEY, February 10, 1887—

A bill for an act supplemental to an act entitled an act providing for the establishment of a State Bureau of Statistics and Geology, creating the office of Chief of such department, defining his duties, providing for the collection of statistics of agriculture, manufactures, commerce, education, labor, social and sanitary subjects, making said Chief Curator of the Geological Cabinet, and appropriating money to carry out the provisions of the act, approved March 29, 1879, and further defining the duties of said Chief in the collection of statistics on the subject of labor and industries, compelling corporations and individuals to make reports, allowing the chief to employ an assistant, and appropriating money for the carrying out of its provisions.

Read first time, February 10 . . . . .	525
Referred to Committee on Labor, February 10 . . . . .	525
Reported back, recommending passage, February 11 . . . . .	539
Report of committee concurred in, February 26 . . . . .	815
Read second time, and ordered engrossed, February 26 . . . . .	815

## No. 258. BY SENATOR BRANAMAN, February 10, 1887—

An act to regulate transportation of freight by railroad companies.

Read first time, February 10 . . . . .	525
Referred to Committee on Railroads, February 10 . . . . .	525

## No. 259. BY SENATOR DAY, February 10, 1887—

An act to amend section 4 of an act entitled an act to amend the act entitled an act authorizing the construction of plank, macadamized and gravel roads, and to empower the same to make sale of a portion of their roads, approved February 28, 1855, being section 3640 of the Revised Statutes of 1881.

Read first time, February 10 . . . . .	525
Referred to Committee on Roads, February 10 . . . . .	525
Reported back, recommending passage, February 17 . . . . .	587
Report of committee concurred in, February 26 . . . . .	806
Read second time, and ordered engrossed, February 26 . . . . .	806
Read third time, March 3 . . . . .	873
Referred to committee of one, with instructions, March 3 . . . . .	873
Reported back, amended and report concurred in, March 3 . . . . .	873
Amendment considered engrossed, March 3 . . . . .	873
Failed to pass, March 3 . . . . .	874

## No. 260. BY SENATOR HARNESS, February 10, 1887—

An act making May 30, Decoration Day, a legal holiday.

Page.

Read first time, February 10 . . . . . 525

Referred to Committee on Military Affairs, Feb 10 . . . . . 525

## No. 261. BY SENATOR KENNEDY, February 10, 1887—

An act to amend section 1 of an act entitled an act concerning enclosures, trespassing animals, and partition fences, approved June 4, 1852, being section 4834, Revised Statutes, 1881.

Read first time, February 10 . . . . . 525

Referred to Committee on Agriculture, February 10 . . . . . 525

Reported back, recommending passage, February 17 . . . . . 527

## No. 262. BY SENATOR MACY, February 10, 1887—

An act to amend section 412, Revised Statutes, 1881, concerning proceedings in civil cases.

Read first time, February 10 . . . . . 526

Referred to Committee on Judiciary, February 10 . . . . . 526

Reported back, to be indefinitely postponed, February 12 . . . . . 531

## No. 263. BY SENATOR SCHLOSS, February 10, 1887—

An act concerning attorney's fees in cases when insurance companies are sued.

Read first time, February 10 . . . . . 526

Referred to Committee on Insurance, February 10 . . . . . 526

## No. 264. BY SENATOR SCHLOSS, February 10, 1887—

An act regulating life insurance companies.

Read first time, February 10 . . . . . 526

Referred to Committee on Insurance, February 10 . . . . . 526

## No. 265. BY SENATOR SCHLOSS, February 10, 1887—

An act to regulate amount of insurance on a single risk.

Read first time, February 10 . . . . . 526

Referred to Committee on Insurance . . . . . 526

## No. 266. BY SENATOR SCHLOSS, February 10, 1887—

An act defining what is capital stock of insurance companies.

Read first time, February 10 . . . . . 526

Referred to Committee on Insurance, February 10 . . . . . 526

## No. 267. BY SENATOR SELLERS, February 10, 1887—

An act prohibiting the maintenance of dams without fish-ladders—prescribing forfeitures therefor, and the duties of Township Trustees in such cases.

Read first time, February 10 . . . . . 526

Referred to Committee on Judiciary, February 10 . . . . . 526

Reported back, recommending passage, February 12 . . . . . 527

Report of committee concurred in, February 25 . . . . . 73

Read second time and ordered engrossed, February 25 . . . . . 73

Read third time, March 1 . . . . . 73

Amended and passed, March 1 . . . . . 825, 83

House refused to receive, March 2 . . . . . 854

## No. 268. BY SENATOR SELLERS, February 10, 1887—

An act to amend section 5 of an act entitled an act to provide compensation to the owners of animals killed or injured by the cars, locomotives or carriages of any railroad company in this State, and to enforce the collection of judgments rendered on account of the same, and to repeal all laws inconsistent therewith, approved March 4, 1863, being section 4029 of the Revised Statutes of Indiana, and declaring an emergency.

	Page.
Read first time, February 10 . . . . .	527
Referred to Committee on Judiciary, February 10 . . . . .	527
Reported back, recommending passage, February 12 . . . . .	551

## No. 269. BY SENATOR TRIPPET, February 10, 1887—

An act to amend sections 1781 and 1782 of Revised Statutes, 1881, concerning proceedings in criminal cases.

Read first time, February 10 . . . . .	527
Referred to Committee on Judiciary, February 10 . . . . .	527
Reported back to be indefinitely postponed, February 17 . . . . .	607

## No. 270. BY SENATOR URMSTON, February 10, 1887—

An act incorporating the Indiana Swine Breeders' Association, defining its powers, objects and making appropriation to aid the same, and declaring an emergency.

Read first time, February 10 . . . . .	527
Referred to Committee on Agriculture, February 10 . . . . .	527
Reported back, recommending passage, February 23 . . . . .	676

## No. 271. BY SENATOR URMSTON, February 10, 1887—

An act providing for the election, prescribing the powers and duties, and fixing the compensation of the Attorney-General of Indiana, and providing for the purchase of books for such officer, and repealing all laws in conflict herewith, and sections 4 and 10 of an act entitled "An act supplemental to an act entitled 'An act to provide for the election, fixing the compensation and prescribing the duties of the Attorney-General of the State of Indiana,' approved February 21, 1855, and repealing an act entitled 'An act to amend sections 4 and 7 of an act to provide for the election, fixing the compensation and prescribing the duties of the Attorney-General of the State of Indiana,' approved June 3, 1861, and prescribing additional duties of Clerks of Circuit Courts, and Prosecuting and District Attorneys," Approved March 10, 1873, and declaring an emergency.

Read first time, February 10 . . . . .	527, 528
Referred to Committee on Fees and Salaries, February 10 . . . . .	528
Reported back, recommending passage, February 23 . . . . .	678

## No. 272. BY SENATOR WINTER, February 10, 1887—

An act to pay Peter Routier.

Read first time, February 10 . . . . .	528
Referred to Committee on Claims, February 10 . . . . .	528
Reported back to be laid on table, March 2 . . . . .	846

## No. 273. BY SENATOR WINTER, February 10, 1887—

An act to amend section 2094 of Revised Statutes, 1881.

Read first time, February 10 . . . . .	528
Referred to Committee on Judiciary, February 10 . . . . .	528
Reported back to be indefinitely postponed, February 17 . . . . .	607

## No. 274. BY SENATOR WINTER, February 10, 1887—

An act concerning appeals in certain cases.

Read first time, February 10 . . . . .	528
Referred to Committee on Judiciary, February 10 . . . . .	528
Reported back to be indefinitely postponed, February 23 . . . . .	682

## No. 275. BY SENATOR WINTER, February 10, 1887—

An act to amend an act concerning life insurance.	Page.
Read first time, February 10 . . . . .	528
Referred to Committee on Insurance, February 10 . . . . .	528

## No. 276. BY SENATOR DAVIS, February 10, 1887—

An act to amend an act in regard to repairing fish ladders.	
Read first time, February 10 . . . . .	529
Referred to Committee on Judiciary, February 10 . . . . .	529
Reported back, to be indefinitely postponed, February 28 . . . . .	808

## No. 277. BY SENATOR FRENCH, February 11, 1887—

A bill for an act approving the action of the Governor in relation to the claim of the State of Indiana against the General Government for swamp land indemnity, and authorizing the payment of the compensation due the agent appointed to prosecute the same.	
Read first time, February 11 . . . . .	536
Referred to Committee on Finance, February 11 . . . . .	536
Reported back, amended, recommending passage, February 16 . . . . .	583

## No. 278. BY SENATOR HALE, February 11, 1887—

An act to legalize the election of officers of the town of Dunkirk.	
Read first time, February 11 . . . . .	536
Referred to Committee on Judiciary, February 11 . . . . .	536
Reported back, recommending passage, February 17 . . . . .	607
Report of committee concurred in . . . . .	619
Read second time, February 17 . . . . .	619
Constitutional rules suspended, considered engrossed, read third time by sections and passed, February 17 . . . . .	619
Passed by House, February 18 . . . . .	625
Report of Committee on Enrolled Bills, February 21 . . . . .	636
Report of Joint Committee on Enrolled Bills, February 21 . . . . .	648 and 630
Signed by Speaker of House and President of Senate . . . . .	630
Signed by Governor, February 23 . . . . .	691

## No. 279. BY SENATOR DRESSER, February 11, 1887—

An act directing the copying, filing and indexing of certain land records of the State, making certified copies of the same competent evidence in all courts, authorizing the Auditor of State to procure certified copies of certain records from the Secretary of the Interior, providing the manner of procuring the necessary records for making such copies, authorizing the employment of two clerks, fixing their compensation, making an appropriation therefor, prescribing the manner of furnishing certified copies of the tract books, plat books and field notes of the United States survey to the various counties of the State, and declaring an emergency.	
Read first time, February 11 . . . . .	536
Referred to Committee on Finance, February 11 . . . . .	536
Reported back, recommending passage, February 21 . . . . .	638

## No. 280. BY SENATOR McCLURE, February 11, 1887—

An act to amend section twenty-four of an act entitled "an act concerning taxation," approved March 29, 1881 (the same being section 6293 of the Revised Statutes of 1881), and to provide for the manner of assessing steamboats and other water-craft.	
Read first time, February 11 . . . . .	536
Referred to Committee on County and Township Business, February 11 . . . . .	536
Reported back, recommending passage, February 17 . . . . .	591
Report of Committee concurred in, February 24 . . . . .	702
Read second time and ordered engrossed, February 24 . . . . .	702
Read third time, February 28 . . . . .	821
Passed, February 28 . . . . .	821
House refused to receive, March 1 . . . . .	832

## No. 281. BY SENATOR DRESSER, February 11, 1887—

An act to amend an act concerning promissory notes, etc.	Page.
Read first time, February 11 . . . . .	536
Referred to Committee on Judiciary, February 11 . . . . .	537
Reported back, to be indefinitely postponed, February 17 . . . . .	608

## No. 282. BY SENATOR DRESSER, February 11, 1887—

An act to pay Bert P. Davidson.	
Read first time, February 11 . . . . .	537
Referred to Committee on Claims, February 11 . . . . .	537

## No. 283. BY SENATOR DEMOTTE, February 11, 1887—

An act for the relief of the widow and heirs of Ernst W. Hohman, late of Lake county, deceased.	
Read first time, February 11 . . . . .	537
Referred to Committee on Claims, February 11 . . . . .	537
Reported back, recommending passage, March 2 . . . . .	846

## No. 284. BY SENATOR DAY, February 11, 1887—

An act to amend section 3765 of Revised Statutes, 1881, concerning insurance.	
Read first time, February 11 . . . . .	537
Referred to Committee on Insurance, February 11 . . . . .	537
Reported back, to be indefinitely postponed, February 23 . . . . .	680

## No. 285. BY SENATOR ENSLEY, February 11, 1887—

An act prohibiting sale of cigars, etc., to minors.	
Read first time, February 11 . . . . .	537
Referred to Committee on Temperance, February 11 . . . . .	537
Reported back, to be indefinitely postponed, February 23 . . . . .	680

## No. 286. BY SENATOR BAILEY, February 12, 1887—

An act authorizing a debt to be contracted on behalf of the State of Indiana by making a loan of money to meet casual deficits in the revenues, and to pay interest on the State debt, and declaring an emergency.	
Read first time, February 12 . . . . .	544
Referred to Committee on Finance, February 12 . . . . .	544
Reported back, recommending passage, February 17 . . . . .	585
Report of committee concurred in, February 24 . . . . .	694
Read second time, February 24 . . . . .	694
Ordered engrossed . . . . .	694
Motion to suspend rules lost . . . . .	695
Read third time, February 25 . . . . .	775
Passed, February 25 . . . . .	775
House refused to receive, February 25 . . . . .	783

## No. 287. BY SENATOR GRIFFITH, February 14, 1887—

A bill for an act to provide for the appointment of a custodian of public buildings and property, prescribing his duties and fixing his compensation.	
Read first time, February 14 . . . . .	554
Referred to Committee on Public Buildings, February 14 . . . . .	554
Reported back, substitute, February 17 . . . . .	588

## No. 288. BY SENATOR GRIFFITH, February 14, 1887—

A bill for an act providing for a settlement with the New State House Commissioners when the State Capitol building, now being constructed, shall be fully completed and ready to be turned over, with the keys of the same, to the State, as contemplated by the act creating the commission.

Read first time, February 14 . . . . .	554
Referred to Committee on Public Buildings, February 14 . . . . .	554
Reported back, recommending passage, February 17 . . . . .	587



## No. 289. BY SENATOR BRYANT, February 14, 1887.

An act to amend section 23 of an act entitled "An act concerning elections and the contest thereof." Approved April 21, 1881, the same being section 4701 of the Revised Statutes of 1881.

	Page.
Read first time, February 14 . . . . .	564
Referred to Committee on Elections, February 14 . . . . .	564
Reported back, recommending passage, February 23 . . . . .	675
Report of committee concurred in, February 26 . . . . .	805
Read second time and ordered engrossed, February 26 . . . . .	805
Read third time, February 28 . . . . .	813
Passed, February 28 . . . . .	813
House refused to receive, March 1 . . . . .	832

## No. 290. BY SENATOR BARRETT, February 14, 1887—

An act to appoint and pay bailiffs of courts.

Read first time, February 14 . . . . .	564
Referred to Committee on Fees and Salaries, February 14 . . . . .	564

## No. 291. BY SENATOR BAILEY, February 14, 1887—

An act to pay Fulmer & Siebert.

Read first time, February 14 . . . . .	565
Referred to Committee on Claims, February 14 . . . . .	565

## No. 292. BY SENATOR THARP, February 16, 1887—

An act concerning Green River Island.

Read first time, February 16 . . . . .	579
Constitutional rules suspended, read second time by title, considered engrossed, read third time by sections and passed, February 16 . . . . .	579
Title referred to Committee on Phraseology . . . . .	580
Passed by House, February 23 . . . . .	679
Report of Committee on Enrolled Bills . . . . .	692
Report of Joint Committee on Enrolled Bills . . . . .	789, 830
Signed by Governor, February 25 . . . . .	781
Signed by Speaker of House and President of Senate . . . . .	830

## No. 293. BY SENATOR DRESSER, CHAIRMAN, February 17, 1887—

An act to inclose the Tippecanoe Battle Ground.

Read first time, February 17 . . . . .	597, 598
Referred to Committee on Finance, February 17 . . . . .	598
Reported back, recommending passage, February 18 . . . . .	627
Report of committee concurred in, February 18 . . . . .	628
Read second time, February 18 . . . . .	628
Constitutional rules suspended, considered engrossed, read third time by sections and passed, February 18 . . . . .	628
Governor transmits to Senate for signature of its officers, March 5 . . . . .	933
Speaker of House defies official request of Governor, March 5 . . . . .	936
Report of Joint Committee on Enrolled Bills . . . . .	941, 961
Signed by President of Senate, March 5 . . . . .	944
Signed by Governor, March 7 . . . . .	964

## No. 294. BY SENATOR BRANAMAN, February 17, 1887—

A bill for an act to regulate the taxing of fees by Clerks of Superior and Circuit Courts of the counties of the State of Indiana.

Read first time, February 17 . . . . .	598
Referred to Committee on Fees and Salaries, February 17 . . . . .	598
Reported back, amended, recommending passage, February 23 . . . . .	678
Report of committee concurred in, February 25 . . . . .	788
Read second time and ordered engrossed, February 25 . . . . .	788

## No. 295. BY SENATOR COX, February 17, 1887—

A bill for an act entitled an act prohibiting the publication or sale of pernicious literature, and providing for the punishment for the violation of the same. Page.

Read first time, February 17 . . . . .	598
Referred to Committee on Temperance, February 17 . . . . .	598
Reported back, recommending passage, February 23 . . . . .	679

## No. 296. BY SENATOR DRAKE, February 17, 1887—

A bill for an act to amend section 282 of an act "concerning proceedings in civil cases," approved April 7, 1881, being section 504 of the Revised Statutes of 1881.

Read first time, February 17 . . . . .	598
Referred to Committee on Judiciary, February 17 . . . . .	598
Reported back, recommending passage, February 23 . . . . .	682

## No. 297. BY SENATOR DUNCAN OF BROWN, February 17, 1887—

An act to authorize the Board of Trustees of the Indiana University to sell and convey certain lands owned by said University, and to make deeds therefor.

Read first time, February 17 . . . . .	599
Referred to Committee on Judiciary, February 17 . . . . .	599
Withdrawn and referred to Committee on Education, February 23 . . . . .	682
Reported back, recommending passage, February 26 . . . . .	795

## No. 298. BY SENATOR DUNCAN OF BROWN, February 17, 1887—

An act to legalize the elections of Trustees in the incorporated town of Jonesville, in Bartholomew County, Indiana, and to legalize all acts and ordinances of said Board of Trustees, which are in conformity with the laws of the State of Indiana.

Read first time, February 17 . . . . .	599
Referred to Committee on Judiciary, February 17 . . . . .	599
Reported back, recommending passage, February 23 . . . . .	683

## No. 299. BY SENATOR GRIFFITH, February 17, 1887—

An act providing for increase of capital stock of mining and manufacturing companies.

Read first time, February 17 . . . . .	599
Referred to Committee on Judiciary, February 17 . . . . .	599

## No. 300. BY SENATOR HARNESS, February 17, 1887—

An act regulating and protecting Natural Gas Companies in laying mains—defining their powers and duties—prescribing penalties, and repealing all laws in conflict therewith.

Read first time, February 17 . . . . .	599
Referred to Committee on Judiciary, February 17 . . . . .	599
Reported back, recommending passage, February 23 . . . . .	683

## No. 301. BY SENATOR HARNESS, February 17, 1887—

An act authorizing County Commissioners to offer rewards for the apprehension of criminals.

Read first time, February 17 . . . . .	600
Referred to Committee on County and Township Business, February 17 . . . . .	600
Reported back, to be indefinitely postponed, March 2 . . . . .	840

## No. 302. BY SENATOR HARNESS, February 17, 1887—

An act requiring Township Trustees to keep public cemeteries in good order.

Read first time, February 17 . . . . .	600
Referred to Committee on County and Township Business, February 17 . . . . .	600
Reported back, to be indefinitely postponed, February 23 . . . . .	840

## No. 303. BY SENATOR KENNEDY, February 17, 1887—

An act authorising a loan to re-fund the State debt at a lower rate of interest.	Page.
Read first time, February 17 . . . . .	600
Referred to Committee on Finance, February 17 . . . . .	600
Reported back, to be indefinitely postponed, March 1 . . . . .	329

## No. 304. BY SENATOR MARSHALL, February 17, 1887—

A bill for an act providing for the constructing and maintaining of levees to protect lands subject to overflow.	
Read first time, February 17 . . . . .	600
Referred to Committee on Agriculture, February 17 . . . . .	600
Reported back, recommending passage, February 23 . . . . .	677

## No. 305. BY SENATOR PETERSON, February 17, 1887—

An act to amend an act concerning descents and apportionment of estates.	
Read first time, February 17 . . . . .	610
Referred to Committee on Judiciary, February 17 . . . . .	610
Reported back, to be indefinitely postponed, February 28 . . . . .	510

## No. 306. BY SENATOR McCCLURE, February 17, 1887—

An act concerning voluntary associations, for the purpose of forming Fair Associations, for the improvement of the breeding and speed of stock and the promotion of agriculture, and authorise such associations to hold real estate and personal property by purchase, gift, or devise, and to sell and convey the same.	
Read first time, February 17 . . . . .	601
Referred to Committee on County and Township Business, February 17 . . . . .	601
Reported back, recommending passage, February 23 . . . . .	689
Report of committee concurred in, February 25 . . . . .	779
Read second time and ordered engrossed, February 25 . . . . .	779
Read third time, March 4 . . . . .	883
Passed, March 4 . . . . .	883, 884
House refused to receive, March 7 . . . . .	961

## No. 307. BY SENATOR McCCLURE, February 17, 1887—

An act to amend section 1 of an act entitled "An act authorizing public aid to corporations erecting bridges over streams forming a boundary of this State," approved March 5, 1881, and being section 3562, Revised Statutes.	
Read first time, February 17 . . . . .	611
Referred to Committee on Corporations, February 17 . . . . .	611
Reported back, recommending passage, February 18 . . . . .	634
Report of committee concurred in, February 24 . . . . .	770
Read second time, February 24 . . . . .	770
Amended and ordered engrossed, February 24 . . . . .	770
Read third time, February 25 . . . . .	771
Passed, February 25 . . . . .	781
Title referred to Committee on Phraseology . . . . .	781
Report of Committee on Phraseology . . . . .	786
House refused to receive, February 28 . . . . .	917

## No. 308. BY SENATOR RAHM, February 17, 1887—

An act to repeal section 217 of an act entitled "an act concerning public offenses and their punishment," approved April 14, 1881, being section 2127 of the Revised Statutes of 1881.	
Read first time, February 17 . . . . .	611
Referred to Committee on Labor, February 17 . . . . .	611
Reported back, recommending passage, February 23 . . . . .	611
Report of committee concurred in, February 26 . . . . .	614
Read second time and ordered engrossed, February 26 . . . . .	614
Read third time, March 1 . . . . .	624
Failed to pass, March 1 . . . . .	624

## No. 309. BY SENATOR SCHLOSS, February 17, 1887—

A bill for an act to regulate the charges allowed for the use of telephones, prescribing certain duties of telephone companies, fixing a penalty for its violation, repealing all laws in conflict therewith, and declaring an emergency.

	Page.
Read first time, February 17 . . . . .	601
Referred to Committee on Judiciary, February 17 . . . . .	601
Reported back, to be indefinitely postponed, February 28 . . . . .	809
Recommitted to special committee, March 1 . . . . .	822
Reported back, amended, recommending passage, March 2 . . . . .	839
Report of committee concurred in, March 2 . . . . .	839
Read second time, March 4 . . . . .	927
Indefinitely postponed by Senate, March 4 . . . . .	927

## No. 310. BY SENATOR SHROYER, February 17, 1887—

A bill for an act to enable County Commissioners to purchase toll roads, and to declare them free to the public.

Read first time, February 17 . . . . .	601
Referred to Committee on County and Township Business, February 17 . . . . .	601
Reported back, to be indefinitely postponed, March 2 . . . . .	841
Referred to Committee on County and Township Business, March 3 . . . . .	870
Reported back, recommending passage, March 4 . . . . .	885

## No. 311. BY SENATOR THARP, February 17, 1887—

An act to amend section 2 of an act to amend section 16 of an act entitled an act regulating the working of coal mines and declaring a lien upon the works and machinery for work and labor in mining coal, and for the royalty on coal, and providing penalty for violation thereof, and providing for the appointment and qualification of Mine Inspector, and prescribing his duties, and declaring an emergency, approved March 8, 1879, approved March 3, 1883, same being section 5480 of the Revised Statutes, 1881, of Indiana, and also to amend sections 2 and 3 of an act entitled an act providing the means for securing the health and safety of persons employed in coal mines, providing penalty for violation thereof, and repealing all laws and parts of laws in conflict therewith, approved March 6, 1885, and adding supplemental sections thereto.

Read first time, February 17 . . . . .	602
Referred to Committee on Mines and Mining, February 17 . . . . .	602
Reported back, recommending passage, February 25 . . . . .	791

## No. 312. BY SENATOR WINTER, February 17, 1887—

An act to relieve Clarence Ellis.

Read first time, February 17 . . . . .	602
Referred to Committee on Claims, February 17 . . . . .	602
Reported back, to be indefinitely postponed, March 2 . . . . .	847

## No. 313. BY SENATOR WINTER, February 17, 1887—

An act to pay Dye and Fishback \$500 for services for provisional Trustees of Insane Hospital.

Read first time, February 17 . . . . .	602
Referred to Committee on Claims, February 17 . . . . .	602
Reported back, to be indefinitely postponed, March 2 . . . . .	846

## No. 314. BY SENATOR WINTER, February 17, 1887—

An act to amend an act entitled "An act limiting the amount of taxes that may be levied by the Board of County Commissioners in counties having a voting population of over twenty-five thousand, as shown by the votes cast for Governor at the last preceding election, repealing all laws in conflict therewith, and declaring an emergency," approved March 17, 1885.

Read first time, February 17 . . . . .	602
Referred to Committee on Affairs of City of Indianapolis . . . . .	602
Reported back, recommending passage, February 23 . . . . .	846

February 17 1887

## No. 315. BY SENATOR WINTER, February 17, 1887—

An act regulating insurance companies organized under the laws of any other State or any foreign country transacting the business of insuring plate-glass in this State. Page.

Read first time, February 17 . . . . .	602
Referred to Committee on Insurance, February 17 . . . . .	602
Reported back, recommending passage, February 23 . . . . .	680
Report of committee concurred in, March 1 . . . . .	838
Read second time and ordered engrossed, March 1 . . . . .	838
Read third time, March 3 . . . . .	875
Failed to pass, March 3 . . . . .	875
Called up and failed to pass, March 5 . . . . .	940

## No. 316. BY SENATOR WINTER, February 17, 1887—

An act authorizing cemetery associations formed under an act entitled "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 1, 1855, or under any other act of the General Assembly, to loan their surplus funds, and, with other securities authorized by their articles of association, to take as security mortgages on real estate, and to hold and dispose of the real estate that may be taken upon foreclosure of such mortgages.

Read first time, February 17 . . . . .	603
Referred to Committee on Judiciary, February 17 . . . . .	603
Reported back, recommending passage, February 28 . . . . .	808

## No. 317. BY SENATOR HOWARD OF ST. JOSEPH, February 17, 1887—

An act to remove obstructions in the Kankakee at Momence.

Read first time, February 17 . . . . .	—
Referred to Committee on Judiciary, February 17 . . . . .	—
Reported back, amended, March 2 . . . . .	855
Ordered engrossed, March 2 . . . . .	855

## No. 318. BY SENATOR SHIVELY, February 18, 1887—

An act fixing the time for holding courts in the Twenty-fourth (24) and Fiftieth (50) Judicial Circuits and the lengths of terms thereof, providing for the appointment of a Judge and Prosecuting Attorney, and regulating other matters connected therewith, repealing all laws inconsistent with this act, and declaring an emergency.

Read first time, February 18 . . . . .	633
Referred to Committee on Judiciary, February 18 . . . . .	633
Reported back, recommending passage, February 23 . . . . .	683
Report of committee concurred in, February 26 . . . . .	803
Read second time and ordered engrossed, February 26 . . . . .	803
Read third time, March 1 . . . . .	830
Failed to pass, March 1 . . . . .	831

## No. 319. BY SENATOR CAMPBELL, February 18, 1887—

A bill for an act defining the Nineteenth and Fiftieth Judicial Circuits, fixing the time of holding courts in said circuits, and matters relating thereto, repealing all laws and parts of laws in conflict therewith, and declaring an emergency.

Read first time, February 18 . . . . .	633
Referred to Committee on Organization of Courts, February 18 . . . . .	633
Reported back, February 28, majority recommending passage, minority recommending that it do not pass . . . . .	818

## No. 320. BY SENATOR WEIR, February 18, 1887—

An act to repeal an act authorizing sale of certain lands belonging to the State.

Read first time, February 18 . . . . .	633
Referred to Committee on Swamp Lands, February 18 . . . . .	633
Reported back, recommending passage, March 3 . . . . .	877
Report of committee concurred in, March 3 . . . . .	877
Read second time and ordered engrossed, March 3 . . . . .	877

No. 321. BY SENATOR DRESSER, February 18, 1887—

A bill for an act prohibiting the exhibition of any circus, menagerie or traveling show, exhibiting in tents, from exhibiting in any county having an agricultural or fair association in such county, during the week or time set apart for holding any fair by such associations, and declaring an emergency.	Page.
Read first time, February 18 . . . . .	634
Referred to Committee on Agriculture, February 18 . . . . .	634
Reported back February 23, majority recommending passage . . . . .	677
Minority recommending indefinite postponement . . . . .	678

No. 322. BY SENATOR ENSLEY, February 18, 1887.

A bill for an act conferring on Marshals of incorporated towns the powers of Constables, and declaring an emergency.	
Read first time, February 18 . . . . .	634
Referred to Committee on Cities and Towns, February 18 . . . . .	634
Reported back, recommending passage, February 23 . . . . .	673

No. 323. BY SENATOR HARNESS, February 18, 1887—

An act to amend section 3 of an act to amend sections 4373, 4374 and 4378 of an act concerning common schools.	
Read first time, February 18 . . . . .	634
Referred to Committee on County and Township Business, February 18 . . . . .	634
Read third time March 3. . . . .	866
Referred to Committee on Corporations, March 3 . . . . .	869
Reported back, recommending passage, March 4 . . . . .	885

No. 324. BY SENATOR BARRETT, February 21, 1887—

An act to provide for the control, government and discipline of the State Prison North and the State Prison South by one Board of Directors, to repeal laws therein mentioned, and declaring an emergency.	
Read first time, February 21 . . . . .	635
Referred to Committee on Prisons, February 21 . . . . .	635
Reported back, recommending passage, February 21 . . . . .	637
Report of Committee concurred in, February 21 . . . . .	637
Rules suspended, February 21. . . . .	637
Special order and 200 copies ordered printed . . . . .	637
Motion to take up . . . . .	655, 670
Report of committee concurred in February 23 . . . . .	684
Read second time, February 23 . . . . .	684
Motions on . . . . .	683, 684
Amendment offered by Senator Campbell . . . . .	685
Ordered engrossed, February 26 . . . . .	805
Read third time, February 28 . . . . .	812
Passed, February 28 . . . . .	812
House refused to receive, March 1 . . . . .	332

No. 325. BY SENATOR SELLERS, February 21, 1887—

A bill for an act providing for the better government and management of the four Hospitals for the Insane, the Asylum for the Blind, and the Institution for the Education of the Deaf and Dumb, repealing all laws or parts of laws in conflict herewith, and declaring an emergency.	
Read first time, February 21 . . . . .	635
Referred to select committee, February 21 . . . . .	635
Appointment of committee . . . . .	640
Reported back, recommending passage, February 21. . . . .	644
Report of Committee concurred in, February 21 . . . . .	644
Made special order and 200 copies ordered printed . . . . .	644
Indefinitely postponed by Senate, March 7 . . . . .	969

## No. 326. BY SENATOR BAILEY, February 21, 1887—

An act entitled an act to amend section 4 of an act entitled "An act for the encouragement of Agriculture, and authorizing the Indiana State Board of Agriculture to purchase, hold and sell real estate; legalizing the purchase by said Board of certain lands in Marion County; exempting the property of said Board from taxation; authorizing the County Treasurer of Marion County, and the Treasurer of State, to refund certain taxes, and making an annual appropriation for the use of said Board." Approved March 3, 1865, the same being section 2623 of the Revised Statutes of 1881.

	Page.
Read first time, February 21 . . . . .	638
Referred to Committee on Agriculture, February 21 . . . . .	638
Reported back, recommending passage, February 23 . . . . .	677
Report of committee concurred in, February 25 . . . . .	778
Read second time and ordered engrossed, February 25 . . . . .	778
Read third time, February 26 . . . . .	796
Passed, February 26 . . . . .	796
Title referred to Committee on Phraseology . . . . .	797
Report of Committee on Phraseology . . . . .	866
House refused to receive, March 3 . . . . .	871

## No. 327. BY SENATOR FRENCH, February 21, 1887—

An act to legalize the incorporation of the town of Poseyville, Posey County, Indiana, the election and qualification of the several Boards of Trustees and other officers, and all acts, orders, ordinances, resolutions, by-laws, minutes and proceedings of the Boards of Trustees of said town, and other matters connected therewith, and declaring an emergency.

Read first time, February 21 . . . . .	648
Referred to Committee on Cities and Towns, February 21 . . . . .	648
Reported back, recommending passage, February 26 . . . . .	802

## No. 328. BY SENATOR DEMOTTE, February 21, 1887—

An act for the relief of William Watts, of Lake County.

Read first time, February 21 . . . . .	648
Referred to Committee on Claims, February 21 . . . . .	648
Reported back, recommending passage, March 2 . . . . .	846

## No. 329. BY SENATOR LOGSDON, February 23, 1887—

A bill for an act to amend section 42 of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852, being section 3327 of the Revised Statutes of 1881, and declaring an emergency.

Read first time, February 23 . . . . .	676
Referred to Committee on Cities and Towns, February 23 . . . . .	676
Reported back, recommending passage, February 25 . . . . .	781
Report of committee concurred in, February 26 . . . . .	804
Read second time and ordered engrossed, February 26 . . . . .	804
Read third time, February 28 . . . . .	820
Passed, February 28 . . . . .	820
House refused to receive, March 1 . . . . .	832

## No. 330. BY SENATOR SMITH OF WELLS, February 23, 1887—

An act to pay claims of George H. Fleming, Cyrus T. Nixon, and Orson M. Tyler.

Read first time, February 23 . . . . .	678
Referred to Committee on Finance, February 23 . . . . .	678
Reported back, to be indefinitely postponed, March 1 . . . . .	822

No. 331. BY SENATOR HOWARD OF DECATUR, February 25, 1887—

**An act to provide for security for costs in cases brought for divorce, and defining the duties of courts in reference thereto.** P

Read first time, February 25 . . . . .	778
Referred to Committee on Judiciary, February 25 . . . . .	778
Reported back, March 2 { Majority recommending passage . . . . .	843
{ Minority recommending indefinite postponement . . . . .	
Read second time, March 3 . . . . .	877
Majority report adopted, March 3 . . . . .	878
Ordered engrossed, March 3 . . . . .	878

**No. 332. BY SENATOR RAHM, February 25, 1887—**

**An act to amend section 2 of an act to provide for the repair of free turnpike roads.**

Read first time, February 25 . . . . .	789
Referred to Committee on Roads, February 25 . . . . .	789
Reported back, to be indefinitely postponed, March 2 . . . . .	841

No. 333. BY SENATOR McDONALD OF WHITLEY, February 26, 1887—

**An act electing a State Legislative Stenographer, and declaring an emergency.**

Read first time, February 26 . . . . .	793
Referred to Committee on Finance, February 26 . . . . .	793
Reported back, recommending passage, March 1 . . . . .	830

No. 334. BY SENATOR SELLERS, February 28, 1887—

An act to amend sections one (1), two (2), five (5), six (6) and (7) of an act entitled "An act to regulate and license the sale of spirituous, vinous and malt liquors: to limit the license fee to be charged by cities and towns, prescribing penalties for intoxication, and providing for the recovery of damages for injuries growing out of unlawful sales of intoxicating liquors: to repeal all former laws regulating the sale of intoxicating liquors, and all laws and parts of laws coming in conflict with the provisions of this act; prescribing penalties for the violation thereof, and declaring an emergency," approved March 17, 1875, and declaring an emergency.

Read first time, March 2 . . . . .	813
Referred to Committee on Temperance . . . . .	813
Reported back, recommending passage . . . . .	817
Report of committee concurred in, March 1 . . . . .	836
Amended and recommitted to Committee on Temperance . . . . .	837
Failed to pass, March 5 . . . . .	941
House refused to receive, March 7 . . . . .	962

**No. 335. BY SENATOR BAILEY, February 28, 1887—**

An act making annual appropriations for the State government and its institutions for the fiscal year beginning November 1, 1887, and ending October 31, 1888, directing the application of such appropriations, requiring accounts to be kept of the same, and other matters connected therewith.

Read first time.	814
Referred to Committee on Finance	814
Reported back, recommending passage, February 28.	819
Report of committee concurred in, March 1.	838
Read second time and ordered engrossed, March 1.	838
Read third time and item 12 amended, March 2.	845
Referred to special committee of three, with instructions	847
Amended and passed.	847, 848
House refused to receive, March 2.	854



**No. 336. BY SENATOR BAILLY, February 28, 1887—**

**An act making annual appropriations for the State government and its institutions for the fiscal year commencing November 1, 1886, and ending October 31, 1889, directing application of such appropriations, requiring accounts to be kept of the same and other matters connected therewith, and declaring an emergency.**

**Page.**

Read first time . . . . .	814
Referred to Committee on Finance . . . . .	814
Reported back, recommending passage, February 28. . . . .	819

**No. 337. BY SENATOR BAILLY, February 28, 1887—**

**An act making appropriations for the State government and its institutions for the fiscal year commencing November 1, 1886, and ending October 31, 1887, and being in addition to appropriations heretofore made, and other matters connected therewith, and declaring an emergency.**

Read first time . . . . .	814
Referred to Committee on Finance . . . . .	814
Reported back, recommending passage, February 28 . . . . .	819
Report of committee concurred in, March 1. . . . .	837
Read second time and ordered engrossed, March 1 . . . . .	837
Read third time, March 2 . . . . .	849
Referred to special committee of five, March 2 . . . . .	849
Report of committee, without recommendation, March 2 . . . . .	849
Committee of the Whole, on bill, March 2. . . . .	849
Amended and ordered engrossed . . . . .	851
Passed, March 2 . . . . .	851
House refused to receive, March 3. . . . .	871

**No. 338. BY SENATOR SELLERS, March 1, 1887—**

**An act making an appropriation for Purdue University.**

Read first time . . . . .	828
Referred to Committee on Finance . . . . .	829
Vote on suspending Constitutional rules, etc. . . . .	828

**No. 339. BY SENATOR BAILLY, March 2, 1887—**

**An act to make Ground-hog Day a public holiday, in honor of the election of Hon. David Turpie as U. S. Senator, on February 2, 1887, and declaring an emergency.**

Read first time, March 2 . . . . .	844
Referred to Committee on Military Affairs . . . . .	844

**No. 340. BY SENATOR SHIVELEY, March 7, 1887—**

**An act to prevent gambling in stocks, grain, etc.**

Read first time, March 7 . . . . .	945
Referred to Committee on Judiciary, March 7 . . . . .	945

## SENATE JOINT RESOLUTIONS.

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### No. 1. BY SENATOR DRESSER, January 13, 1887—

Entitled No. 3, in Senate Journal, concerning pension to widow of General John A.

Logan.	Page.
Read first time, January 13 . . . . .	110
Adopted . . . . .	110
Received from House, amended and passed. . . . .	147
Senate concurred in amendment of House . . . . .	147

### No. 2. BY SENATOR FOWLER, January 17, 1887—

To amend section 2 of article 6 of Constitution of Indiana, designated "Amendment No. 1 to Constitution of Indiana."

Read first time, January 17 . . . . .	136
Referred to Committee on Judiciary, January 17. . . . .	136
Reported back, recommending adoption, February 26 . . . . .	798
Adopted and agreed to, February 26 . . . . .	799
House refused to receive, February 28. . . . .	816

### No. 3. BY SENATOR DeMOTTE, January 21, 1887—

Denominated No. 2 in Journal of Senate. Relative to overflowed lands in Valley of Kankakee River at Mokence, Illinois.

Referred to Committee on Swamp Lands, January 21 . . . . .	238
Reported back by bill, February 10 . . . . .	515

### No. 4. BY SENATOR ———, January 28, 1887—

Memorializing Congress to pass a bill entitled "a bill to promote the political progress and commercial prosperity of the American nation."

Introduced and read first time, January 28 . . . . .	358
Referred to Committee on Federal Relations, January 28 . . . . .	359
Reported back, recommending passage, February 3 . . . . .	441

### No. 5. BY SENATOR SELLERS, Chairman Judiciary Committee, February 26, 1887—

Designated "Amendment No. 3 to Constitution of Indiana."

Introduced and read first time, February 26 . . . . .	799
Adopted and agreed to, February 26 . . . . .	800
House refused to receive, February 28. . . . .	816

## HOUSE BILLS.

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### No. 6. BY MR. GARDINER—

An act to fix the time of holding courts in the Forty-ninth (49) Judicial Circuit.	Page. 81
Received from House, January 11 . . . . .	81
Rules suspended, read first and second time by title, third time by sections, and passed, January 12 . . . . .	84
Report of Committee on Phraseology . . . . .	98
Signed by President of Senate, January 13 . . . . .	116
Signed by Speaker of House . . . . .	331
Report of Joint Committee on Enrolled Bills . . . . .	330

### No. 7. BY MR. ROBERTS—

A bill for an act entitled "an act concerning powers and duties of cities and their Common Council, and providing the mode and manner of making street and alley improvements, and providing for the mode and manner of enforcing the payment of the costs of street and alley improvements, and permitting cities to issue street improvement bonds, and repealing all conflicting laws.

Received from House, February 17 . . . . .	621
Read first time, February 23 . . . . .	683
Referred to Committee on Cities and Towns, February 23 . . . . .	683
Reported back, amended, recommending passage, February 25 . . . . .	782
Read second time, February 14 . . . . .	554
Reported back, recommending passage, March 2 . . . . .	847
Report of committee concurred in, March 3 . . . . .	875
Read second time, March 3 . . . . .	875
Read third time, March 4 . . . . .	932
Referred to select committee with instructions, March 4 . . . . .	932

### No. 10. BY MR. PLEASANTS—

A bill for an act to fix the rate of interest per annum on all school fund loans made after the taking effect of this act, repealing all laws conflicting with the same, and declaring an emergency for the immediate taking effect of this act from and after its passage.

Received from House, February 12 . . . . .	344
Read first time, February 17 . . . . .	604
Referred to Committee on Judiciary, February 17 . . . . .	604
Withdrawn and referred to Committee on Education, February 23 . . . . .	681
Reported back, amended, recommending passage, February 26 . . . . .	795

## No. 14. BY MR. JEWETT—

A bill for an act requiring corporations, companies, associations, firms, and persons engaged in mining and manufacturing in this State to pay their employes weekly in lawful money, regulating the sale of merchandise by employer to employes, and providing penalties.

	Page.
Received from House . . . . .	
Read first time, January 12 . . . . .	98
Referred to Committee on Labor, January 12 . . . . .	98
Reported back, amended, recommending passage, January 24 . . . . .	261
Made special order . . . . .	265
Consideration postponed, January 26 . . . . .	342
Taken up and read second time, January 28 . . . . .	365
Report of committee concurred in, January 28 . . . . .	371
Taken up, considered by sections and amended . . . . .	371-375, 378-381
Senate amendments ordered engrossed . . . . .	380
200 copies ordered printed, January 31 . . . . .	396
Read third time, referred to special committee for amendment, committee reported and report concurred in . . . . .	481
Passed and referred to Committee on Phraseology . . . . .	482
Report of Committee on Phraseology . . . . .	497
House concurs in Senate amendments . . . . .	533
Signed by Speaker of House . . . . .	535
Signed by President of Senate . . . . .	541
Report of Joint Committee on Enrolled Bills . . . . .	831

## No. 15. BY MR. HARRELL—

An act to amend section 3 of an act entitled "An act to authorize Boards of County Commissioners to construct free turnpikes in certain cases instead of county bridges, and to authorize Boards of County Commissioners to construct and pay for bridges built in the corporate limits of towns and cities," approved March 7, 1885, and adding supplementary sections thereto authorizing Boards of County Commissioners to appoint viewers to lay out such pikes and assess damages, and fixing the manner of assessing damages and constructing such pikes, and authorizing reimonstrators to appeal to the Circuit Court, and declaring an emergency.

Received from House, February 12 . . . . .	545
Read first time, February 17 . . . . .	604
Referred to Committee on County and Township Business, February 17 . . . . .	604
Reported back, recommending passage, February 23 . . . . .	689
Report of committee concurred in, February 25 . . . . .	789
Read second time, February 25 . . . . .	789
Read third time, March 1 . . . . .	834
Passed, March 1 . . . . .	835
House refused to receive, March 2 . . . . .	854

## No. 19. BY MR. FLEECE—

A bill appropriating one hundred and twenty-five thousand dollars (\$125,000) for Legislative expenses.

Received from House, January 13 . . . . .	110
Read first time, January 13 . . . . .	110
Referred to Committee on Finance, January 13 . . . . .	110
Reported back, recommending amendment, January 13 . . . . .	117
Amended by Senate . . . . .	117
Rules suspended, amendment considered engrossed, read second time by title, third time by sections and passed as amended . . . . .	118
House concurs in Senate amendment . . . . .	128
Signed by Speaker of House . . . . .	128
Special committee appointed to examine . . . . .	128
Report of special committee . . . . .	130
Signed by President of Senate . . . . .	130
Communication from Auditor of State on H. B. 19 . . . . .	135
Report of Joint Committee on Enrolled Bills . . . . .	230

## No. 20. BY MR. FLEECE—

An act to regulate the sale of intoxicating liquors.	Page.
Received from House, February 15 . . . . .	570
Read first time, February 17 . . . . .	604
Referred to Committee on Temperance, February 17 . . . . .	604
Report of committee as to mutilation of bill, February 23 . . . . .	679
Ordered to be returned to the House . . . . .	679
Re-received from House, February 23 . . . . .	686
Reported back, without recommendation, for reasons stated, March 4 . . . . .	925
Read second time, March 5 . . . . .	934
Senator Sellers moves to suspend constitutional rules, read third, time, and put bill on passage, March 5 . . . . .	934
Motion fails, many Senators being present but refusing to vote . . . . .	934

## No. 23. BY MR. LOOP.

An act prohibiting persons, not members, from wearing G. A. R. badges.	
Received from House, February 8 . . . . .	479
Read first time, February 17 . . . . .	603
Referred to Committee on Military Affairs, February 17 . . . . .	603

## No. 42. BY MR. KELLISON—

A bill to fix the time of holding courts in the Forty-first (41st) Judicial Circuit.	
Received from House, Jan. 13 . . . . .	110
Read first time Jan. 13 . . . . .	116
Referred to Committee on Organization of Courts, Jan. 13 . . . . .	116
Reported back, recommending passage, Jan. 17 . . . . .	139
Rules suspended, read second time by title, third time by sections, and passed, Jan. 17 . . . . .	142
Signed by Speaker of House, March 7 . . . . .	970
Signed by President of Senate, March 7 . . . . .	970
Report of Joint Committee on Enrolled Bills, March 7 . . . . .	971

## No. 46. BY MR. COX—

A bill for an act legalizing the incorporation of the town of Bunker Hill, Miami County, Indiana, the election and official acts of its Board of Trustees, all ordinances passed by said Board of Trustees, the collection of taxes and license fees by its acting officers, and the levy of taxes made by the acting authorities of said town for the years 1832, 1833, 1834, 1835 and 1836, and acts done by such officers in pursuance of and under authority of such levies of taxes, and declaring an emergency.	
Received from House . . . . .	116
Read first time, Jan. 13 . . . . .	116
Referred to Committee on Judiciary, Jan. 13 . . . . .	319
Reported back recommending passage, Jan. 25 . . . . .	605
Report concurred in, Feb. 17 . . . . .	605
Read second time, Feb. 17 . . . . .	625
Read third time, Feb. 18 . . . . .	627
Passed, Feb. 18 . . . . .	830
Report of Joint Committee on Enrolled Bills . . . . .	830
Signed by Speaker of House . . . . .	830
Signed by President of Senate . . . . .	830

## No. 64. BY MR. DAVIS—

A bill for an act to amend section 51 of an act entitled "An act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852, the same being section 1483 of the Revised Statutes of 1881.	
Received from House, Feb. 12 . . . . .	546
Read first time, Feb. 17 . . . . .	604
Referred to Committee on Judiciary, Feb. 17 . . . . .	604
Reported back recommending passage, Feb. 23 . . . . .	68

**No. 66. BY MR. PATTON—**

An act concerning the running of traction engines over bridges.	Page.
Received from House, February 14 . . . . .	554
Read first time, February 17 . . . . .	604
Referred to Committee on Roads, February 17 . . . . .	604
Reported back, to be indefinitely postponed, March 2 . . . . .	841

**No. 67. BY MR. BEASLEY—**

An act to legalize the incorporation of the town of Shelburn.	
Received from House, January 14 . . . . .	121
Rules suspended, read first and second time by title, third time by sections, and passed . . . . .	122
Returned to House.	

**No. 70. BY MR. PARKER—**

A bill for an act to legalize the incorporation of the city of Tipton, Tipton County, in the State of Indiana, and to legalize the official acts of the Common Council, and of the officers of said city of Tipton for the years 1884, 1885 and 1886, and declaring an emergency.	
Received from House, January 14 . . . . .	121
Read first time, January 17 . . . . .	138
Referred to Committee on Cities and Towns, January 17. . . . .	138
Reported back recommending passage, January 22 . . . . .	254
Read second time, February 4 . . . . .	475
Read third time by sections and passed, February 8 . . . . .	480
Signed by President of Senate, February 9 . . . . .	493
Signed by Speaker of House, February 9 . . . . .	493
Report of Committee on Enrolled Bills, February 10 . . . . .	529
Report of Joint Committee on Enrolled Bills . . . . .	830

**No. 77. BY MR. NOLAN—**

An act to legalize the incorporation of the town of Boswell.	
Received from House, January 14 . . . . .	121
Read first time, January 17 . . . . .	138
Referred to Committee on Cities, January 17 . . . . .	138
Reported back, recommending passage, January 17 . . . . .	145
Report concurred in, rules suspended, read second time by title, third time by sections and passed, January 17 . . . . .	145
Signed by Speaker of House, January 18 . . . . .	188, 230
Signed by President of Senate, January 18 . . . . .	197
Report of Joint Committee on Enrolled Bills . . . . .	830

**No. 105. BY MR. PLEASANTS—**

A bill for the relief of Samuel Dickerson.	
Received from House, January 21 . . . . .	227
Constitutional rules suspended, read first and second times by title, third time by sections and passed, January 26 . . . . .	331, 332
Signed by Speaker of House, January 27 . . . . .	349
Report of Joint Committee on Enrolled Bills, January 31 . . . . .	390 and 830
Signed by President of Senate, per report of committee . . . . .	830

## No. 109. BY MR. BUCKLES—

A bill for an act to provide for the appointment of a Live Stock Sanitary Commission and a State Veterinarian, and to prescribe their powers and duties, and to prevent and suppress contagious and infectious diseases among the live stock of the State, and to declare an emergency.

	Page.
Received from House, February 12 . . . . .	543
Read first time, February 17 . . . . .	604
Referred to Committee on Agriculture, February 17 . . . . .	604
Reported back, amended, recommending passage, February 18 . . . . .	634
Report of committee concurred in, February 26 . . . . .	903
Read second time, amended, and amendments ordered engrossed, February 26 . . . . .	903
Read third time, March 4 . . . . .	928
Referred to committee of one, with instructions, March 4 . . . . .	928
Report of committee amending, and report concurred in, March 4 . . . . .	929
Passed, March 4 . . . . .	929
House refused to receive, March 7 . . . . .	962

## No. 132. BY MR. NIBLACK—

An act fixing the terms and times of holding court in the Twelfth (12) Judicial Circuit.

Received from House, January 18 . . . . .	188, 230
Read first time, January 26 . . . . .	335
Constitutional rules suspended, read second time by title, and third time by sections, and passed, January 26 . . . . .	336
Signed by Speaker of House, January 27 . . . . .	349
Report of Joint Committee on Enrolled Bills, January 31 . . . . .	390, 830
Signed by President of Senate—Report of Committee . . . . .	830

## No. 143. BY MR. CONDER—

An act to legalize the incorporation of the town of Orleans, Orange County, Indiana, the election and qualification of its several Boards of Trustees and other officers, and all acts, orders, ordinances, resolutions, by-laws, minutes and proceedings of the Boards of Trustees of said town, and other matters connected therewith, and declaring an emergency.

Received from House, January 18 . . . . .	188, 230
Read first time, January 26 . . . . .	336
Referred to Committee on Judiciary, January 26 . . . . .	336
Reported back, recommending passage, February 3 . . . . .	436, 437
Report concurred in, February 17 . . . . .	605
Read second time, February 17 . . . . .	605
Read third time and passed, February 21 . . . . .	649
Report of Joint Committee on Enrolled Bills, February 22 . . . . .	655, 830
Signed by Speaker of House } Per Report of Committee . . . . .	830
Signed by President of Senate }	

## No. 146. BY MR. GORDON—

A bill for an act to provide for the repair of free turnpike roads, repealing all laws in conflict with the provisions of this act, and declaring an emergency.

Received from House, February 23 . . . . .	685
Read first time . . . . .	—
Referred to committee on . . . . .	—
Reported back, to be indefinitely postponed, March 2 . . . . .	841
Reported back, recommending passage, March 3 . . . . .	867

## No. 162. BY MR. REYNOLDS—

A bill for an act to repeal an act entitled "An act to regulate the rental allowed for the use of telephones, and fixing a penalty for its violation," approved April 15, 1885. Page.

Received from House, February 15 . . . . .	566
Read first time, February 17 . . . . .	—
Referred to Committee on Judiciary, February 17 . . . . .	—
Reported back, recommending passage, February 21 . . . . .	648
Senator Thompson moves to take up, February 21 . . . . .	650
Report of committee concurred in, February 22 . . . . .	651
Read second time, February 22 . . . . .	651
Made special order, March 3 . . . . .	878
Consideration postponed, March 4 . . . . .	883

## No. 166. BY MR. BUSKIRK—

A bill for an act for the relief of Nathan P. Gilliat, ex-Trustee of French Lick Township, Orange County, Indiana, and declaring an emergency.

Received from House, January 20 . . . . .	214
Read first time, January 21 . . . . .	239
Referred to Committee on Finance, January 21 . . . . .	239
Reported back, recommending passage, January 24 . . . . .	261
Report concurred in, constitutional rules suspended, read second time by title, third time by sections, and passed, January 26 . . . . .	330
Signed by Speaker of House, January 26 . . . . .	343
Report of Joint Committee on Enrolled Bills, January 27 . . . . .	346, 830
Signed by President of Senate, per report of committee . . . . .	830

## No. 191. BY MR. JEWETT—

A bill to fix the times of holding court in the Fourth (4th) Judicial Circuit.

Received from House, January 21 . . . . .	231
Constitutional rules suspended, read first and second time by title, third time by sections, and passed, January 26 . . . . .	332, 333
Report of Joint Committee on Enrolled Bills, January 27 . . . . .	346, 830
Signed by Speaker of House, } Per report of committee . . . . .	830
Signed by President of Senate, }	

## No. 223. BY MR. SINCLAIR—

A bill for an act to legalize the acts and proceedings of the officers of the town of Salem, in the county of Washington, State of Indiana, in reference to the system of water-works established and constructed therein, and declaring an emergency.

Received from House, February 16 . . . . .	576
Read first time, February 17 . . . . .	605
Referred to Committee on Judiciary, February 17 . . . . .	605
Reported back, recommending passage, February 23 . . . . .	681
Report of committee concurred in, February 23 . . . . .	815
Read second time, February 28 . . . . .	815
Read third time, March 3 . . . . .	860
Passed, March 3 . . . . .	860, 861
House refused to receive, March 3 . . . . .	870

## No. 230. BY MR. JEWETT—

An act regulating the transportation of property by railroad companies and other common carriers.

Received from House, February 8 . . . . .	679
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## No. 235. BY MR. KELLEY—

A bill for an act to authorize and empower the Board of Trustees of the town of Jamestown, Boone County, Indiana, to compromise, adjust and relieve such delinquent taxes as now appear upon tax duplicate of said town, and declaring an emergency.

	Page.
Received from House, February 16 . . . . .	577
Read first time, February 17 . . . . .	605
Referred to Committee on Judiciary, February 17 . . . . .	605
Withdrawn, and referred to Committee on County and Township Business, February 18 . . . . .	627
Reported back, recommending passage, February 23 . . . . .	690
Read second time, and action on report of committee . . . . .	—
Read third time, February 28 . . . . .	797
Passed, February 26 . . . . .	797
House refused to receive, February 28 . . . . .	816

## No. 289. BY MR. JEWETT—

A bill for an act to prohibit the transfer or assignment of claims for the purpose of unjust garnishment, and to provide a civil remedy for wrongful attachment and garnishment.

Received from House, February 14 . . . . .	555
Read first time, February 17 . . . . .	604
Referred to Committee on Judiciary, February 17 . . . . .	604
Reported back, recommending passage, February 23 . . . . .	682
Report of committee concurred in, February 25 . . . . .	790
Read second time and amended, February 25 . . . . .	790
Read third time, March 4 . . . . .	931
Failed to pass, March 4 . . . . .	931
Called up and fails to pass for want of constitutional majority, March 5 . . . . .	936
Passed, March 5 . . . . .	939
House refused to receive, March 7 . . . . .	962

## No. 290. BY MR. ACKMAN—

An act to legalize the incorporation of the town of Fortville, Hancock county, Indiana, the election and qualification of its several Boards of Trustees and other officers, and all the acts, orders, ordinances, resolutions, by-laws, minutes and proceedings of the Boards of Trustees of said town, and other matters connected therewith, and declaring an emergency.

Received from House, February 16 . . . . .	576
Read first time, February 17 . . . . .	605
Referred to Committee on Judiciary, February 17 . . . . .	605
Reported back, to be indefinitely postponed, February 28 . . . . .	811
Re-referred to Committee on Judiciary, March 2 . . . . .	842
Reported back, amended, recommending passage, March 2 . . . . .	843

## No. 293. BY MR. MORSE—

A bill for an act concerning liens of mechanics, laborers and material men, amending sections 1, 2, 3 and 6 of an act entitled an act concerning liens of mechanics, laborers and material men, approved March 6, 1883, repealing sections 5 and 9 of said act, and repealing section 1 of an act entitled an act concerning liens of mechanics, laborers and material men, approved April 13, 1885, repealing all laws and parts of laws in conflict therewith, and declaring an emergency.

Received from House, February 12 . . . . .	546
Read first time, February 17 . . . . .	604
Referred to Committee on Judiciary, February 17 . . . . .	604
Reported back, amended, recommending passage, February 28 . . . . .	811
Report of committee concurred in, March 4 . . . . .	928
Read second time, March 4 . . . . .	928
Senate amendments considered engrossed . . . . .	928
Read third time, March 5 . . . . .	935
Passed, March 5 . . . . .	935
House refused to receive, March 7 . . . . .	962

## No. 294. BY MR. PARKER—

A bill for an act to legalize the incorporation of the town of Windfall City, Tipton county, Indiana, the election and qualification of its several Boards of Trustees and other officers, and all the acts, orders, ordinances, resolutions, by-laws, minutes, and proceedings of the Boards of Trustees of said town, and other matters connected therewith, and declaring an emergency.

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## No. 298. BY MR. SAYRE—

A bill for an act to amend section 1 of an act entitled an act authorizing allowances in aid of agricultural associations, approved March 3, 1877.

Received from House, February 9 . . . . .	490-
Read first time, February 17 . . . . .	604
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## No. 323. BY MR. LINCK—

A bill for an act to amend section one of an act entitled "an act to amend the fourth and sixth sections of the act for the incorporation of manufacturing and mining companies and companies for mechanical, chemical and building purposes, approved May 20, 1852, by providing that any companies which may have been incorporated in this State for any of the purposes contemplated in said act, with a fixed amount or limitation of capital, may increase the same by a vote of its stockholders in the same manner as is provided in said section for increasing capital stock, and providing for election of directors and certain officers, and prescribing the manner of casting votes in such elections," approved March 11, 1861, said section being section 3857 of the Revised Statutes of 1881, the amendment herein provided for being to authorize the issue of preferred stock in certain cases, and to provide for notice of meeting.

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## HOUSE JOINT RESOLUTIONS

None . . . . .

## ERRATA.

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- On page 25. After line 2, insert: "Senator Schloss introduced Senate Bill No. 13, entitled: An act to regulate the practice of dentistry in the State of Indiana, and prescribing penalties for the violation thereof, and to repeal chapter 47 of the R. S., 1881, being an act approved March 29, 1879, and repealing laws in conflict with the provisions of this act, and providing that all violations of the act approved March 29, 1879, may be prosecuted under the provisions thereof." Which was read a first time and referred to the Committee on Public Health.
- On page 67. Senate Bill 17, line 30, introduced by Senator McDonald, of Whitley—not Senator Thompson, of Marion.
- On page 68. Senate Bill 17, line 2, referred to Committee on Military Affairs—not to Committee on Temperance.
- On page 101. Senate Bill 50, line 21, introduced by Senator Smith, of Wells—not Senator Thompson, of Jasper, and referred to Committee on Temperance—not Judiciary.
- On page 116. As to House Bill 42, line 28, after "first," insert "time."
- On page 136. As to message on Senate Bill 12, line 2, should be Senate Bill 72.
- On page 145. As to House Bill 77, insert "read third time," in line 27.
- On page 333. In line 1, as to House Bill 191, insert "read first time."
- On page 335. In line 25, as to House Bill 32, should be House Bill 132.
- On page 387. In line 1, Senate Bill 191, introduced by Senator Winter—not Senator Duncan of Brown.
- On page 529. At line 19 insert "motion carried."
- On page 565. In line 17, Senator Bailey introduced Senate Bill 291—not Senator Sears.
- On page 602. In line 30, for Senate Bill 215 read Senate Bill 316.
- On page 604. In line 23, for Judiciary read Agriculture.
- On page 604. In line 27, for Education read Temperance.
- On page 633. In line 1, after the word "read," insert "second time."
- On page 634. In line 13, Senator Harness introduced Senate Bill 323—not Senator Howard.
- On page 638. In line 7, Senator Bailey introduced Senate Bill 326—not Senator Shively.
- On page 687. In line 14, for "genuine" read "germain."
- On page 781. In line 11, House Bill 307 should be Senate Bill 307.
- On page 786. In line 16, Senate Bill 42 should be Senate Bill 47.
- On page 789. In line 12, "enrolled" House Bill 15 should be "engrossed" House Bill 15.
- On page 878. In line 18, Senate Bill 162 should be House Bill 162.
- On page 936. In line 13, for 219 read 217.

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